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Marxism Today

EDITORIAL COMMENTS

JACK COHEN — THE STATE OF THE WHOLE PEOPLE

E. FROW & H. HIKINS — THE LIVERPOOL TRANSPORT STRIKE OF 1911

NICOLAS HARRISON — INTERNATIONAL LAW AND THE USE OF FORCE BY STATES

DISCUSSION:

STUART DOUGLASS — WHAT IS TELEVISION?

E. G. PORTER — WHAT DOES MUSIC EXPRESS?

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Marxism Today

Vol. 8 **No. 3**

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Editorial Comments

MARXISM, complains the well-known financial writer, Mr. Paul Einzig, continues to influence a good many people, who may never have heard a Marxist speak, but who are, nevertheless, acting under the influence of Marxist "ideology". In his new book *Monetary Means and Policy* (Pelican, 7s. 6d.) he tells us:

> "A century of communist-socialist propaganda has succeeded in popularising the ideology based on the Marxian assumption that all goods and services are the products of labour, and that anyone not directly engaged in the production of goods obtains an 'unearned share' in the proceeds."

Now this is nonsense. No one has suggested that a lawyer, a doctor, a civil servant, a teacher, not directly engaged in producing goods receives an "unearned share". That is received by the shareholders large and small, and they receive it in virtue of the fact that they have a share in the ownership of a particular firm, entitling them to a share in the profits, even if they are wintering on the Riviera and are "not directly engaged in the production of goods". If a "wage policy" were imposed on the workers, the dividends and capital gains of these people would sharply increase, although they may never have seen the factories in which they hold shares. The workers, influenced by the "Marxian ideology" even at third hand, know this. Hence most of them are allergic to wage policies whether suggested by the Tories or by right-wing Labour.

Restraint for Whom?

So some people seeking to get the workers to accept wage restraint say that there ought also to be a policy of "restraint on profits and dividends". Mr. Einzig will have none of this pussyfooting:

> *"When trade unions in Britain express suspicion that incomes policy simply means wage restraint they are not far from the truth.* But since it is the unending succession of unilateral wage concessions and other concessions that are primarily responsible for the erosion of the currency, it does not seem unreasonable to expect the wage-earners to make a long overdue contribution to progress by agreeing to some measure of restraint" [italics ours].

We hope that all trade unionists whether influenced by the Marxist ideology or not will note this, for it expresses the open capitalist point of view, and completely justifies those who declare that "profit and dividend restraint" is a barefaced deception of the workers.

Mr. Einzig then goes on to condemn "dividend restraint" because it would "reduce the incentive of management to take reasonable risks", and to argue that "to restrict profits is not only inexpedient but impracticable".

There is a vast difference between a worker getting an increase in wages and a rentier getting an increase in dividends, he says. The worker will spend his increase in wages on buying more goods and services which are included in the cost of living index and will, therefore, contribute to "demand inflation" and pull up these prices. But "if the recipient of an increased dividend or the beneficiary of a capital gain bids up the prices of post-impressionist paintings or of English eighteenth-century silver, it does not put up the cost of living or the cost of production. If, on the other hand, he buys a Rolls Royce, or builds a new house, his transaction does tend to affect both the cost of living and the cost of production."

So it is calmly argued that increases in the income of the rich are less liable to give rise to increased prices than increases in the income of the wage and salaried workers and of the old age pensioners.

We will be confronted to a greater extent with this type of argumentation in the months ahead. Its class-biased impudence ought to be clear to all workers. It shows that while the capitalists want a tight wage and salaries restraint, they scout all idea of effective restraint of profits and dividends. In short they show that an "incomes policy" is a fraud.

Spotlight on Neo-Colonialism

Those who are interested in neo-colonialism and its works may find something to interest them in the United Nations Conference on Trade and Development which starts in Geneva on March 23rd and will probably last three months. For this conference is likely to call the bluff of those who are constantly prating about helping the underdeveloped (i.e. "ex-colonial" world).

It was the Soviet Union and the socialist

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countries backed by the underdeveloped countries, which insisted on this conference.

One of the main questions to be discussed is the growing trade gap between the developing countries and the monopoly capitalist states. This is caused by the fall in the prices of goods—mainly food and raw materials—exported by the underdeveloped and the rise in the price of goods (mainly manufactured) which they buy from the "mature" capitalist states.

Dr. Raul Prebisch, an Argentinian economist in the United Nations, is preparing the main memorandum for the conference. He has always strongly represented the opinion that, while some aid is necessary, the developing states must be helped to gain increased income by trade.

He is also interested in the growth of East-West trade and the possibility of long-term agreements between the socialist world and the underdeveloped countries. Here the recent agreement of the Soviet Union with Cuba points the way.

So far, with the exception of France, the monopoly capitalist states have shown very little interest in the conference, obviously because it is "dynamite" from their point of view, particularly as it will, to some extent, deal with how the ex-colonies are still exploited in a whole number of ways. Dr. Prebisch is not too popular with the United States for in relation to Latin America he has been stressing not only the need for aid but for a change in social structure, including the elimination of the feudal elements, an attack on the terrifying maldistribution of income, as a basis for any genuine economic planning.

We would not expect any hard decisions from this conference. But a lot of new light may be shed on neo-colonialism and its methods.

New Party in Nigeria

The most recent Marxist analysis to come from Nigeria on the nature of the political struggle in that vast country of over 40 million people is *The Manifesto of Nigeria*. It is an attractive pamphlet of thirty-two pages, issued by the newly formed Socialist Workers' and Farmers' Party (S.W.A.F.P.) of Nigeria.

It surveys briefly the highlights of the liberation struggle in the past forty years, and examines the situation which has existed since political independence was won in October 1960. It makes a sharp exposure of the increasing penetration of imperialist monopoly firms since then, and the extent to which reactionary forces in Nigeria have succumbed to the imperialist strategy of neo-colonialism.

Strong criticism is expressed against the existing orthodox political parties, described as allies of the "compradore bourgeoisie and feudal nobility" which have agreed to "exchange colonialism for semi-colonialism".

It advocates the formation of a "national united democratic front" to advance towards a "national democratic state" which will enable Nigeria to go in "the direction of socialism".

The new party was launched at an all-Nigeria conference at Lagos in August 1963 as "the revolutionary party of Nigerian workers, farmers, toilers, patriots, democrats, progressives, socialists and oppressed, with the workers in the vanguard, and guided by scientific socialism, the teaching that guides the common people's struggle everywhere against oppression".

On the Road to Socialism

The recent referendum in Ghana marks a decisive step forward in putting before the people and winning their support for the perspectives of socialism and African unity. One of the proposed amendments to the Constitution explicitly declares that "the people are the source of power and the guardians of the state". Another establishes a one-party system:

> "In conformity with the interests, welfare and aspirations of the people, and in order to develop the organisational initiative and political activity of the people, there shall be one National Party which shall be the vanguard of the people in their struggle to build a socialist society and which shall be the leading core of all organisations of the people. The National Party shall be the Convention People's Party."

Calling for a unanimous YES vote on the referendum, the *Spark* of January 17th (published in Accra by the Bureau of African Affairs) commented:

> "The Ghana revolution is a popular socialist revolution. Its driving force is the all-conquering power of the downtrodden classes that constitute the majority—the men and women who work and till the soil, and have as their allies the anti-imperialist, anti-capitalist intellectual and traditional elements. It has as its foundation the unity of all popular forces. . . .
>
> "Ghana is not yet socialist. But the preconditions for a socialist solution of her problems are maturing, because the people know that the capitalist path of development is grotesquely outmoded and simply cannot solve their problems."

Ghana Population

An interesting preliminary analysis of the 1960 Ghana Census has been published by the Building Research Group of the Kwame Nkrumah University of Science and Technology. It was written

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by David Grove, M.A., Oxon., who joined the staff of the University in October 1961. Readers may remember him as the author of the article on *Progress and Problems in Ghana* published in *Marxism Today* last November.

The aim of the analysis is to examine the pattern of population changes and movement and their possible impact on regional planning. Among many interesting features it reveals that no less than 45 per cent in 1960 were under the age of fifteen years, and extremely few were over sixty-five years.

It discloses that over 1,500,000 men over fifteen years of age (83 per cent) and about 1,000,000 women (54 per cent) were gainfully employed—though there were also 100,000 men and 50,000 women unemployed.

Equally interesting is that 10 per cent of all males and 6 per cent of all females (500,000 in all) were born outside Ghana, and that 40 per cent were born elsewhere in Ghana from where they lived at the time of the census. This reveals a considerable movement of population, which the author regards as a favourable factor for the essential movements of population to take place under the new Seven-Year Plan.

In a short foreword the Vice-Chancellor of the University (R. P. Baffour) commends this study "to all concerned with the realisation of Ghana's present plans, and to everyone interested in the problems of newly emergent nations".

With the Huks in the Philippines

In recorded history of the Philippines there have been over 200 revolts against foreign conquerors and oppressors. Whilst tyranny has usually lived in the towns and lowlands, the high forest has been the refuge of hunted and harassed, often the protecting cover for the people's struggles. So it was with the Huks, the Philippine partisans, in their struggles against the Japanese invaders, and, when the Second World War was ended, against their American and Philippine oppressors.

The Forest[1] is the title of a remarkable book by William J. Pomeroy, just published by International Publishers, New York. The author, an American, served with the United States forces in the Philippines during the Second World War. He came in contact with the Huk movement—the Hukbalahap—or National Anti-Japanese Army, and learned in practice the meaning of imperialism and of the people's resistance movement. After the war he returned to the Philippines, married a Filipina, Celia Mariano, and together, in 1950, as writers and teachers, they joined the Huk guerrillas in the Sierra Madre mountains.

Why, the reader may well ask, were there *still* guerrillas in the Philippines? It is an old story. The Japanese invaders were defeated but the promised freedom never came. The leaders of the anti-Japanese resistance were arrested by American Counter-Intelligence. The representatives of the people who had led the struggle for independence, became the "enemies" of the landlord regime and its American masters. So the guerrilla units were regrouped to continue the struggle now against the Civilian Guard armies of the landlords and the American-armed Military Police.

In *The Forest,* Pomeroy describes the life and struggles of the Huks, not as a journalist from outside, but as one who intimately shared in their combats, hardships, aspirations. He depicts the long arduous treks through the forest, the periods of flight and starvation, the schools and cultural activities, the comradeship and emergence of a new ethics and a new way of life.

Pomeroy and his wife were captured in 1952 and sentenced to life imprisonment for "rebellion complexed with murder, robbery, arson and kidnapping". They served ten years as political prisoners before obtaining, with the aid of an international campaign of solidarity, their pardon and release.

The Forest was first written in prison, scribbled on odd scraps of paper, hidden from prying guards. The author did not succeed in bringing away this "manuscript", so he had to rewrite it, but, in so doing, has preserved all the intensity of feeling and sense of immediacy.

Economic Miracle or Nothing New?

Another challenging and stimulating book by an Austrian Marxist has appeared recently called *Economic Miracle or Nothing New? On the Political Economy of Western Europe.*[2] It is written by Theodor Prager, who is well known to an earlier generation of English Marxists, having lived here before and during the Second World War as an anti-Nazi refugee and studied at the London School of Economics where he gained his Ph.D.

Polish, Italian and Hungarian translations of this book are under way and it would be good if an English edition were available for it touches on key questions at the centre of discussion in

[1] William J. Pomeroy—*The Forest: a Personal Record of the Huk Guerrilla Struggle in the Philippines,* International Publishers, New York, available through Central Books, 32s.

[2] Theodor Prager—*Wirtschaftswunder oder Keines?* Europa Verlag.

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the Labour movement and amongst all who are interested in economic questions.

These centre around the problem—Has capitalism changed? As Prager notes in the very first chapter, which is so entitled—there are two wrong views on this question. One, which owes much of its world wide popularity to our own "new thinkers", Strachey, Crosland, the "Twentieth-Century Socialists", is to the effect that capitalism has changed out of all recognition and that it is really an abuse of language to call it capitalism. The other, represented by some of the more dogmatic, is to the effect that there is nothing new at all.

The merit of this book is that while it refutes the first error in the most telling fashion, it likewise shows the fallacy of remaining blind to new features in the way capitalism has been developing and functioning since the Second World War.

The whole book is really a series of answers to questions posed in the very first chapter and which have commonly been asked wherever serious political discussion has taken place. Why has the general crisis of capitalism not been accompanied by a sharpening of the cyclical crisis? In other words, why has not there been a crisis on the pre-Second World War scale since 1945? Further, how—given the further concentration and strengthening of monopoly capitalism which has taken place—do we explain the astonishing development of the productive forces, the considerable increase in foreign trade between capitalist countries, the relative full employment and boom in many capitalist countries, the considerable improvement in living standards in Western Europe? How do we explain the political as well as the economic recovery and stabilisation of capitalism which has taken place in Western Europe?

The author examines the usual answers—the effects of the war, the pent-up post-war demand for technical re-equipment, for goods and services of all kinds, the role of arms expenditure etc. and he agrees that they have a certain validity, although in a penetrating analysis of the effect of arms production (the eighth chapter) he shows that this is not the cure-all for the economic difficulties of capitalism it is made out to be. But in his opinion all these are not the basic or decisive explanations.

The essence of his argument—which can only be stated most baldly here, is this. What is really new about capitalism is that now, for the first time, it exists in a world in which a world socialist system with an advanced economic and technical basis *also* exists. This has very far-reaching consequences. It forces the capitalist oligarchies to engage in economic competition, to meet "the threat" not only by military measures and cold war propaganda, but by means of a new political economy with the accent on the "political" rather than the purely economic. It compels them, Prager argues, to undertake a more dynamic economic strategy in order to influence their own people and especially the hundreds of millions in the newly liberated countries, away from communism. The author's analysis of *how* they try to do this forms a key section of the book.

Whatever one's view of this or that aspect of the book—it is most refreshing and stimulating as a whole and should be read by all who understand German and can get hold of a copy.

Thomas Hodgskin

It is good to hear that a reprint of one of the classics of early British socialism—Thomas Hodgskin's *Labour Defended against the Claims of Capital*—after a long lapse, is due to be published again this month.[3] The original 1825 edition and the 1831 reprint have been amongst the rarest of the rare, and even the 1922 reprint edited by G. D. H. Cole became a collector's item.

Thomas Hodgskin was not only a brilliant critic of capitalism but a pioneer in the field of working-class education. "It would be better, he wrote,

> "for men to be deprived of education than to receive their education from their masters; for education, in that sense, is no better than the training of cattle that are broken to the yoke".

It was in this spirit that he fought for the foundation of the Mechanics' Institute, and for the teaching there of a political economy developed from a working-class point of view. It is true he was ousted by middle-class radicals, but not before he had helped to train many thousands of workers. *Labour Defended* was published first in 1825 by the *Mechanics' Magazine*, and his economic lectures were embodied in his *Popular Political Economy* of 1827.

Those who are not acquainted with *Labour Defended* and with the works of pioneers of socialism like Hodgskin, William Thompson, Gray and Bray, will be amazed by the depth of the critique of capitalism already developed in the 1820's and 1830's.

Remember the date of *Labour Defended* is 1825. This is what Hodgskin, in a footnote, writes of the capitalists:

> "The veneration men have for capital and capitalists, is formed on a sort of superstitious

[3] Thomas Hodgskin—*Labour Defended Against the Claims of Capital*, Hammersmith Bookshop, 10s. 6d.

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> and transmitted notion of their utility in former times. But they have long since reduced the ancient tyrant of the soil to comparative insignificance, while they have inherited his power over all the labour classes. It is time that the reproaches so long cast on the feudal aristocracy should be heaped on capital and capitalists; or on that still more oppressive aristocracy which is founded on wealth and which is nourished by profit" (p. 67).

He writes on exploitation:

> "The capitalists permit the labourers to have the means of subsistence because they cannot do without labour, contenting themselves very generously with taking every particle of produce not necessary for this purpose" (p. 80).
> ". . . the exactions of the capitalist cause the poverty of the labourer" (ibid).

To those who preached the iniquities of trade unionism and prophesied dire results from strikes, he answered:

> "The most successful and widespread possible combination to obtain an augmentation of wages would have no other injurious effect than to reduce the incomes of those who live on profit and interest, and who have no just claim to any share of the national produce" (p. 92).

As for the workers:

> "The combination of the workers will not frighten away their own skill, nor unlearn them what they have learned. Their hand will not forget its cunning, when its produce goes no longer into the pocket of the capitalist" (p. 95).

Let us hope that in the not too distant future more of these fundamental documents and writings of the British Socialist movement are brought out of the sphere of antiquarian rareties and made available once again.

Shakespeare in a Changing World

Amongst many books which are being announced for the 400th anniversary of the birth of Shakespeare, there is one which will be of very special interest to readers of *Marxism Today*—*Shakespeare in a Changing World*, a collection of twelve essays, edited by Arnold Kettle. It will be published on April 2nd by Lawrence and Wishart, price 36s.

The aim of a Marxist appreciation of Shakespeare is to understand him against the background of his own times, and then to see what he means for us today. And that is what this book sets out to do. About two-thirds of it consists of studies of particular plays.

But in contrast to some of the announcements about new lights and definitive solutions of Shakespearian problems, the editor and the contributors to this volume are rather modest. "There cannot be any narrow or dogmatic orthodoxy in the sort of enterprise we are engaged in, Marxism is not that kind of philosophy and Shakespeare not that kind of writer," says Arnold Kettle in the Introduction. Indeed, "not all the contributors to this volume would describe themselves, without qualification, as Marxists, though none would wish to deny the relevance of Marxist thinking to his approach".

A full-length review of the book, by A. L. Morton, will appear in the April issue of *Marxism Today*.

Marx Memorial Lecture

One of the most useful contributions of the Marx Memorial Library to socialist thought is the annual Marx Memorial Lecture at the Conway Hall, London. Held on the anniversary of the death of the founder of scientific Communism, or as near as possible to the date (this year it is on Friday, March 13th, at 7 p.m.), it gives the opportunity for some experienced Marxist to discuss a contemporary topic—political, economic, literary, philosophical—from the point of view of Marxism.

The lecturer this time will be John Mahon, secretary of the London District Committee of the Communist Party, and his appropriate theme is *Marx and the London Workers*. His subject is even more appropriate because he is the son of J. L. Mahon, the working-class socialist propagandist in London who was a friend of William Morris and Frederick Engels, and a member, first, of the Executive Committee of the Social-Democratic Federation in 1884 and thereafter of the E.C. of the Socialist League. Admission to the lecture is by ticket, available at the door.

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(1964 is the Centenary Year of the 1st International)

by

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The State of the Whole People

Jack Cohen

I. The Great Perspective

JUST over two years ago—in October 1961—the Twenty-Second Congress of the C.P.S.U. set before the people of the U.S.S.R. the great perspective for laying the foundations of communist society by 1980. Far reaching aims were decided on—to provide the people of the Soviet Union with the highest living standards in the world and the shortest working day and working week—above all, to convert socialist relations of production into communist relations. The economic basis for this is to be a gigantic increase in production, a six-fold rise in industrial output and the achievement of the highest productivity *per capita* in the world, as well as a great advance in, and transformation of, agriculture.

While the economic basis of communist society must be the production of an abundance of goods of all kinds, to make possible the realisation of the watchword of communist society—"from each according to his ability, to each according to his needs"—changes in *people*, and in the political organisation of society, are equally essential.

The Programme adopted by the Congress, therefore, contains proposals aimed at developing further the social consciousness of the people, their moral outlook, at advancing socialist democracy, transforming the political institutions of Soviet society and the state in line with the transition to communism. Communism—the higher phase of communist society—does not just "happen". Developments in socialist society—the lower stage of communism—pave the way for advance to the higher stage in all spheres—economic, ideological, political. This is especially true of developments with regard to the political institutions of socialist society, of the functions and character of the state.

Character of the State

The Twenty-Second Congress signalised the end of a whole historic period in the character of the state in the Soviet Union. It declared that the state of the dictatorship of the proletariat had now fulfilled its function internally, that what now exists is the state of the whole people, a big advance on the road to public communist self-government, the form in which relations between people will be regulated under communism. This is how it is put in the programme:

> "Having brought about the complete and final victory of socialism—the first phase of communism—and the transition of society to the full-scale building of communism, the dictatorship of the proletariat has fulfilled its historic mission and ceases to be indispensable in the U.S.S.R. from the point of view of the tasks of internal development. The state, which arose as the result of the dictatorship of the proletariat has, in the new, contemporary stage, become a state of the entire people, an organ expressing the interests and will of the people as a whole. . . .
>
> "The Party holds that the dictatorship of the working class will cease to be necessary before the state withers away. The state, as an organisation of the entire people, will survive until the complete victory of communism . . . as socialist democracy develops, the organs of state power will gradually be transformed into organs of public communist self-government."
>
> (*Programme of the C.P.S.U.*, p. 68.)

N. S. Khrushchov in his *Report on the Programme* made to the Twenty-Second Congress developed these ideas further:

> "It stands to reason, that when socialism had triumphed *completely and finally*, in our country, and we entered upon *the period of full-scale communist construction*, the conditions which made the dictatorship of the proletariat necessary disappeared and its domestic purposes had been fulfilled.
>
> ". . . until now the state has always been the dictatorship of this class or that. In our country for the first time in history, a state has taken shape which is not a dictatorship of any one class, but an instrument of society as a whole, of the entire people.
>
> "Communist construction no longer requires the dictatorship of the proletariat. . . ."

A similar development is noted with regard to the Communist Party:

> "As a result of the victory of socialism in the U.S.S.R. and the consolidation and unity of Soviet society, the Communist Party of the working class has become the vanguard of the Soviet people, a Party of the entire people and extended its guiding influence to all spheres of social life."

These are propositions of the very greatest importance. They constitute new developments in Marxist theory and practice on the question of the state in the transition from socialism to communism. As such they should be studied with the

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greatest attention. This is all the more necessary since both these new ideas face attack by the leadership of the Communist Party of China as deviations from and betrayals of, Marxism-Leninism.

II. The Criticisms

The attack on these propositions and on the Programme itself have figured only recently in the statements of the Chinese comrades. Typical of the abuse and distortions made by the Chinese comrades are the following remarks on the Programme, contained in *The Origin and Development of the Differences between the leadership of the C.P.S.U. and Ourselves* (Foreign Languages Press, Peking, September 1963),

> ". . . it is an out and out revisionist programme which totally violates the fundamental theories of Marxism-Leninism and the revolutionary principles of the Declaration and the Statement. . . .
>
> "The programme crudely revised the essence of Marxism-Leninism, namely the teachings on proletarian revolution, on the dictatorship of the proletariat . . . advancing preposterous theories of the 'state of the whole people' and a 'Party of the entire people'. . . .
>
> "It is a programme which opposes revolution . . . it is a revisionist programme for the preservation or restoration of capitalism."
>
> (pp. 42 - 43.)

More detailed, theoretical criticisms of the two concepts—"the state of the whole people" and "the Party of the whole people" are contained in the letter of the Central Committee Party of China dated June 14th, 1963, entitled *A Proposal concerning the General Line of the International Communist Movement* (Foreign Languages Press, Peking, 1s. 6d.).

Let us examine them.

III. The Transition Period and the Dictatorship of the Proletariat

Arguing against the concept of the state of the whole people the Chinese comrades quote Marx and Lenin on the well known principle that between capitalist and communist society there is a transition period during which the state is the state of the dictatorship of the proletariat. They write:

> "In the *Critique of the Gotha Programme,* Marx posed the question as follows:
>
> 'Between capitalist and communist society lies the period of revolutionary transformation of the one into the other. There corresponds to this also a political transition period in which the state can be nothing but the *revolutionary* dictatorship of the proleriat'."

They add:

> "Lenin . . . wrote
>
> '. . . the transition from capitalist society —which is developing towards communism —to a communist society, is impossible without a "political transition period" and the state in this period can only be the revolutionary dictatorship of the proletariat'."
>
> (*State and Revolution.*)

They draw from these quotations the conclusion that the state of the dictatorship of the proletariat must continue until full communism has been reached, that is until classes have disappeared. For they write:

> "Both Marx and Lenin maintain that the entire period before the advent of the *higher* stage of communist society is the period of transition from capitalism to communism, the period of the dictatorship of the proletariat." [My emphasis.—J. C.]
>
> (Ibid, p. 38.)

They continue:

> "Can there be a state of the whole people? . . . In the view of Marxism-Leninism there is no such thing as a non-class or supra-class state, it must bear a class character . . . so long as the state exists it cannot be a state of the whole people. As soon as society becomes classless there will no longer be a state."
>
> (Ibid, 39 - 40.)

The way these quotations are used and the kind of conclusions which are drawn indicate that a number of things are being confused by the Chinese comrades. First, the stages of communist society are being mixed up. Secondly, following from this, the idea is being advanced that Marx and Engels affirmed that the state of the dictatorship of the proletariat must continue to exist until *full* communist society. Finally, that the classes which exist in socialist society must, *ipso facto*, be hostile, antagonistic classes. This is why they emphasise that the state "must have a class character" and that the state of dictatorship of the proletariat must continue until communist society. They deny that a state can exist in socialist society which, instead of being an instrument of one class against others, can reflect the united interests of friendly classes.

Indeed the Chinese comrades are very emphatic on the question of hostile classes and class struggles under socialism. This, however, will be dealt with later.

The Process of Development

The crux of the whole matter lies in the Marxist-Leninist conception of the "transition period", of its political reflection in a state of the dictatorship of the proletariat, how Marx and

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Lenin saw the role and character of the state in socialist society and what they meant by "communist society".

Marx, Engels and Lenin approached these problems as they approached all phenomena of growth and development in nature and society—namely as a *process*. By this is meant not a smooth, evolutionary growth, but the struggle of contradictions innate in all natural phenomena and in all social systems. The fundamental contradictions in class societies based on exploitation express themselves in and through the class struggle. It is precisely because the ruling classes have been minority classes since the end of primitive communism, that the state arose as a weapon of coercion and persuasion in the hands of the ruling classes, used to defend and perpetuate the various systems of exploitation. And because of this, the key task in changing the form of society consists in taking state power, political power, out of the hands of the ruling class.

But the process has to be understood dialectically. No advance, no change, either in nature or society is to be understood as involving a completely new, absolutely different state of affairs, right from the beginning. All change involves a carry-over of elements of the past and contains within itself the seeds of future development. Furthermore, Marx, Engels and Lenin always emphasised the need to study change, development, advance, *concretely*, to analyse systematically the specific features of the phenomenon that is changing. For in the case of social change especially, the factors operating in one set of social formations, e.g. those based on exploitation, slavery, feudalism, capitalism—the class struggle above all—are not valid for those which are not—socialism and communism.

Stages

They saw the advance to communism in stages. *First* the stage beginning with the taking of political power by the working class and its allies and the use of this power to build socialism. It is self-evident that no advance to communism is conceivable unless this is done, unless that is, the economic and political power of the capitalist class is broken and the capitalist profit making system is replaced by the socialist transformation of society. This is precisely the long-term aim of the working class struggle under capitalism and this—the taking of political power by the working class and its allies is the first step in the socialist revolution.

But the socialist revolution, power in the hands of the working class and its allies, is not yet socialism. A transition period—varying in length in accordance with the relation of class forces internally and internationally, is required before the foundations of socialism have been firmly and irrevocably laid. This is what Marx and Lenin are referring to when they speak of the transition period. In this period the state is the state of the dictatorship of the proletariat, serving the aim of building socialism. In this period, the working class and its allies wage the final struggle with the remnants of capitalism, the capitalist property relations are eliminated and are replaced by socialist relations, step by step.

This process is graphically described in *The Communist Manifesto*:

> "The proletariat will use its political supremacy to wrest by degrees, all capital from the bourgeoisie, to centralise all instruments of production in the hands of the state, i.e. of the proletariat organised as the ruling class and to increase the total of productive forces as rapidly as possible.
>
> "Of course, in the beginning, this cannot be effected except by despotic inroads on the rights of property and on the conditions of bourgeois production. . . ."

The dictatorship of the proletariat must continue as long as antagonistic classes still survive within society, and when the question "who will conquer whom?" has not yet been finally settled and while, therefore, (1) the transformation of social relations still meets with resistance (internal or external) that may have to be overcome by coercion, or (2) while the transformation has to be organised and the mass support of the people won in the process of carrying it through.

But once this has been achieved, once the basis of socialism has been laid, we enter the period of advance to communist society. This has two stages, the lower stage, socialist society and the higher stage, full communism. Marx and Lenin used the word communism to include *both* stages —socialism and full communism. And when they speak of the political transition period between capitalist and communist society, in which the state is the state of the dictatorship of the proletariat, they mean communist society beginning with its first, lower stage, socialism, not as the Chinese comrades declare, the higher stage, full communist society.

Socialism and Communism

Lenin, in a number of places, especially in *State and Revolution* emphasises that this is what Marx meant when he spoke of communism, and that the dictatorship of the proletariat is the form of state prevailing during the transition from capitalism to socialism, the first stage of communism.

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"The dictatorship of the proletariat is a new form of class struggle, of transition (transitory stage of society), from capitalism to socialism."

(Lenin, *Collected Works,* 5th Russian edition, Vol. 39, p. 453.)

"The scientific difference between socialism and communism is clear. . . . What is usually termed socialism was termed by Marx, the 'first' or lower stage of communist society. In so far as the means of production become common property the word 'communism' is also applicable here, providing we do not forget that it is not complete communism."

(Lenin, *Selected Works,* Vol. VII, p. 90.)

"It requires a fairly long period from capitalism to socialism because the reorganisation of production is a difficult matter, because radical changes in all spheres of life need time. . . . That is why Marx spoke of a long period of the dictatorship of the proletariat, as the period of transition from capitalism to *socialism.*" [My emphasis.—J. C.]

(Lenin, *Selected Works,* 2-volume edition, Vol. II, p. 479.)

But when "production" has been "reorganised" and "radical changes in all spheres of life" have been carried through, then the state of the dictatorship of the proletariat is no longer necessary. The conditions which made it necessary have gone and while a state is still needed—for internal as well as for external tasks (the centralisation and co-ordination of production, the further development of social consciousness) it is not a state of the dictatorship of the proletariat. For these developments have as their corollary the disappearance of antagonistic contradictions in society, the elimination of hostile classes and their replacement by friendly classes. And these bring with them fundamental changes in the character and the form of the state. This is to be seen from the history of the Soviet Union.

Soviet Experience

"The reorganisation of production" on socialist lines and "radical changes in all spheres of life" was reached in the Soviet Union by 1933 with the final victory of collectivisation and the fulfilment of the first Five Year Plan. This stage constituted not only an economic event of the greatest political significance but was accompanied by a change in the class structure of the Soviet Union, the elimination of the old exploiting elements, the establishment of two friendly classes—the working class and the peasantry and the rise of a new social stratum, the socialist intelligensia, recruited from both classes. And these developments found expression in the 1936 Soviet Constitution which broadened the whole basis of the dictatorship of the proletariat and established far-reaching extensions of political rights to groups which had formerly been denied them. Thus, for example, all citizens were granted the franchise without distinction of class origin. The principle of the direct election of all organs of state power from the local Soviets upwards was introduced, replacing the former indirect method of election. The ballot was made secret. The power of nominating candidates was extended to all working class and peasant organisations. Thus the state was in fact developing along the road to the state of the whole people.

Dictatorship of the Proletariat

The Chinese comrades emphasise "the class character" of the state in the sense, above all, of stressing its coercive character. But this is only one side, and not the main side of the state of the dictatorship of the proletariat.

The task of the state of the dictatorship of the proletariat is not only to defend socialism from internal or external attack but, above all, to co-ordinate the all-sided constructive effort necessary to build socialism which is undertaken by the working class and its allies led by the Communist Party. This needs emphasising for two reasons. First the very success of these constructive efforts results in the progressive elimination of class contradictions and of the remnants of hostile classes. Secondly, the dictatorship of the proletariat is too often interpreted—and not only by our Chinese comrades—as meaning only the use of force, of coercion against the enemies of socialism. Lenin himself expressly rejected this view:

"But the essence of the proletarian dictatorship does not lie in force alone, or even mainly in force. Its quintessence is the organisation and discipline of the advanced detachment of the working people, of their vanguard, their sole leader, the proletariat, whose object is to build Socialism, to abolish the division of society into classes, to make all members of society working people, to remove the basis for any kind of exploitation of man by man."

(Lenin, *Selected Works,* Two-Volume Edition, Vol. II, p. 479)

The State in Development

Further the Chinese comrades seem to recognise only one form of state in the whole period of transition between capitalism and the higher stage of communism, that is the state of the dictatorship of the proletariat. What they fail to see is the dialectical transformation of the state from that of the state of the dictatorship of the proletariat into a broader form of state in socialist society and as this society enters the period of the construction of communism.

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A number of features of the state of the dictatorship of the proletariat and the state in socialist society need to be noted. One of the most outstanding features of the state in this period is that it already contains within itself features of the future state of the whole people and begins in fact to develop along this path.

The dictatorship of the proletariat is a truly dialectical concept. It means the rule of the majority of the people led by the working class. This is the unique feature of the socialist revolution, that, for the first time in history, it replaces the rule, the dictatorship, of minority exploiting classes by the rule of the majority of the people. It is dictatorship exercised against the minority, against those elements of the old ruling class who seek to obstruct, sabotage and delay the advance to socialism. In this sense it is a dictatorship. But its other side is that it is the most advanced form of democracy for the majority. For, by ending capitalism, it ends the exploitation of man by man, the existence of which vitiates even the most advanced forms of democracy known to bourgeois society.

It is called the dictatorship of the *proletariat* but it reflects the *alliance* of the working class with sections of other exploited classes—the mass of the peasantry for example—an alliance in which the working class plays the leading role and brings the other classes into action along with it on the road to socialism.

Thus the state of the dictatorship of the proletariat is already the state of the *majority of the people,* i.e. the working class and its allies (of "90 per cent" as Lenin called it). It only requires the advance to the building of socialism, the elimination of hostile classes to make it the state serving the interests of *all* members of society.

From this follows another important feature. This is that the state of the dictatorship of the proletariat, precisely because it serves the interests of the majority of the people and the advance to socialism, is not a state in the proper sense of the term.

Speaking of the Paris Commune Engels said—"It was not a state in the proper sense of the term".

> ". . . this is Engels' most important theoretical statement. . . . The Commune *ceased* to be a state in so far as it had to repress, not the majority of the population, but the minority (the exploiters); . . . "
>
> (Lenin, *Selected Works,* Vol. VII, p. 61)

Lenin in *State and Revolution* develops this point futher. He speaks of the Commune having transformed democracy from "bourgeois democracy into proletarian democracy; from the state (i.e. a special force for the suppression of a particular class) *into something which is no longer a state*". [My emphasis—J. C.]

What Lenin is emphasising is that the state of the dictatorship of the proletariat is, because of its very nature, a state which is already beginning to wither away. For he continues:

> ". . . instead of special institutions of a special minority, the people itself suppresses its oppressors, a 'special force' for the suppression is no longer necessary. *In this sense the state begins to wither away.* . . . The more the functions of state power devolve on the majority, the less need is there for the existence of this power." [My emphasis.]
>
> (Lenin, *Selected Works,* Vol. VII, pp. 40 - 41)

It becomes less and less a state "in the proper sense of the term" as the building of socialism is completed, because its role as an apparatus of coercion of one class by another becomes diminished more and more as antagonistic classes disappear, and its role as focus, co-ordinator of the economic, political and spiritual effort of the whole people required to achieve communism is enhanced. This is why the state in socialist society has before it the ultimate objective of "withering away" completely in the higher stage of communism. This is in marked contrast to the state under monopoly capitalism, which becomes more and more oppressive and reactionary as the crisis of capitalism deepens, and which seeks to perpetuate its existence and the system of exploitation which it serves, as long as possible.

An additional feature of the state under socialism is that it differs from all previous forms of state in that it is not the product of irreconcilable class and consequently social antagonisms.

> "The state is the product and the manifestation of the irreconcilability of class antagonisms. The state arises, when, where and to the extent that class antagonisms *cannot* be objectively reconciled."
>
> (Lenin, *Selected Works,* Vol. VII, p. 8)

No such irreconcilable antagonism rends socialist society because it is not based on the exploitation of one class by another. On the contrary, socialist society by the very fact that it initiates the social ownership of the means of production, ends the exploitation of man by man and progressively eliminates class antagonisms, antagonistic contradictions between classes and finally in the higher stage—communism—classes and class differences altogether.

All this emphasises that the state of the dictatorship of the proletariat cannot be regarded in a static way, as fixed in one form from capitalism to communism but that in the very process of the

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advance to socialism and from socialism to communism it changes its form and its role.

The Chinese comrades reject this because they reject the idea that hostile and antagonistic classes and class struggles have disappeared in the Soviet Union.

IV. Classes and Class Struggles in Socialist Society

The Chinese comrades write:

> "Certain persons may say that their society is already one without class struggles. No, *there are classes and class struggles in all socialist countries without exception.* [My emphasis.—J. C.]
>
> "Since remnants of the old exploiting classes who are trying to stage a come-back still exist there, since new capitalist elements are constantly being developed there, and since there are still parasites, speculators, idlers, hooligans, embezzlers of state funds, how can it be said that classes and class struggles no longer exist? How can it be said that the dictatorship of the proletariat is no longer necessary?. . ."
>
> (*A Proposal Concerning the General Line of the International Communist Movement,* pp. 39 - 40.)

The idea that the class struggle intensifies with the advance of socialism is taken from Stalin, who spoke and wrote in two directly contradictory ways on this subject but who, alas, acted in only one way—for which the people of the Soviet Union and the cause of communism have had to pay a heavy price.

On the one hand—as early as 1936, in his Report to the Eighth Congress of Soviets—*On the Draft Constitution of the U.S.S.R.* he gives a refutation of the statements of the Chinese comrades quoted above. He said then:

> "The feature that distinguishes socialist society today from any capitalist society is that it no longer contains antagonistic, hostile classes, that the exploiting classes have been eliminated while the workers, peasants and intellectuals who make up Soviet society live and work in friendly collaboration . . . Soviet society, liberated from the yoke of exploitation, *is free of class conflicts* and presents a picture of friendly collaboration between workers, peasants and intellectuals." [My emphasis.—J. C.]

On the other hand speaking at the Plenary meeting of the Central Committee of the C.P.S.U. (B) in 1937 he said:

> "It is necessary to reject and cast aside the rotten theory that with each of our advances the class struggle in our country will necessarily die down . . . on the contrary, the greater our advance, the more successes we score, the more embittered will the remnants of the exploiting classes become, the sooner will they resort to sharper forms of struggle. . . ."

In 1939 at the Eighteenth Congress of the C.P.S.U. he went back again to the viewpoint he expressed in 1936. Attacking those who questioned the need for the state in the Soviet Union since the exploiting classes had been eliminated, he outlined the two phases of development of the Soviet state. First, from the October Revolution to the elimination of the exploiting classes, and the second, from this latter point "to the complete victory of the socialist economic system and the adoption of the new constitution". He added:

> "The function of military suppression inside the country died away; for exploitation had been abolished and there were no more exploiters left, and so there was no one to suppress . . . now the main task of our state inside the country is the work of peaceful economic organisation and cultural education. *As for our army, punitive organs and intelligence services, their edge is no longer turned to the inside of the country but to the outside, against external enemies.*" [My emphasis.—J. C.]

Thus as far back at the late thirties, even Stalin —who finds much favour with the Chinese comrades—himself rejected the Chinese thesis of 1963, that "There are classes and class struggles in all socialist countries without exception"—as far as the Soviet Union was concerned.

V. The Class Set-up in the Soviet Union

What can be the basis for such class struggles in the Soviet Union today? Before dealing with this question it will help if we consider Lenin's definition of "class".

> "Classes are large groups of people which differ from each other by the place they occupy in a historically definite system of social production, by their relation (in most places fixed and formulated in laws) to the means of production, by their role in the social organisation of labour, and, consequently by the dimensions of acquiring the share of social wealth that they obtain. Classes are groups of people one of which may appropriate the labour of another owing to the different places they occupy in the definite system of social economy."
>
> (Lenin, *A Great Beginning, Selected Works,* Vol. IX, pp. 432 - 433.)

What groups of this kind which can "appropriate the labour of others" exist in the Soviet Union? There are none. There are two friendly classes whose relation to the means of production are different but who do not stand to one another in the relation of exploiter and exploited—the working class and the collective farm peasantry (see later).

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New Capitalist Elements?

The Chinese comrades add as a source for the continuation of the class struggle in socialist society the following: ". . . since new capitalist elements are constantly being developed there."

The source of the idea seems to be some sentences in *Left Wing Communism* written by Lenin in 1920, but as the following quotation shows, Lenin declared that it was not socialism but small-scale capitalist production and small property which engenders capitalism. Lenin is discussing the strength of the bourgeoisie after its defeat and after saying that this lies not only in its international connections adds: "But also in the *force of habit,* in the strength of all *small production* for unfortunately, very, very, much of small production still remains in the world and small production *engenders* capitalism, and the bourgeoisie continuously, daily, hourly, spontaneously and on a mass scale" (Lenin, *Selected Works,* Vol. X, p. 60).

In the Soviet Union

This was in 1920, in the midst of the Civil War before industrialisation and collectivisation had even begun. But it is not 1920 today. Small-scale production disappeared in the Soviet Union years ago. But the Chinese comrades apply this thought which was absolutely correct for the situation which existed in the Soviet Union in 1920, to the situation existing in the 1960's.

The real difference in the situation is illustrated in the following figures:

	1928	1937
	(In percentage of population)	
Workers and employees	17	35
Collective farmers and handicraftsmen organised in producers' co-operatives	3	55
Individual peasants	73	6
Capitalist elements (private traders and kulaks)	5	—
Miscellaneous (students, armed forces)	2	4

(Sources for 1928 and 1937—*Report of the 18th Congress C.P.S.U.*)

By 1959 workers and employees formed 68.3 per cent of the population of the Soviet Union; collective farmers and handicraftsmen organised in producers' co-operatives formed 31.4 per cent and individual peasants 0.3 per cent (see A. Lomakhin in *Kommunist,* No. 12, 1963).

These figures show that small-scale production, that of individual peasants and small traders was well on the way out by 1937 and that it practically disappeared from the Soviet Union after the Second World War. They likewise indicate other developments of the greatest importance. First that the working class had now become the absolute majority of the population, while the number of collective farmers has declined as a percentage of the population as a whole.

In 1959 the active population—99,000,000 in all—was divided as follows: 43,000,000 workers, 7,000,000 employees, 12,500,000 intellectual workers, 32,000,000 collective farmers, 3,700,000 soldiers, 300,000 small individual peasants.[1] Small property, the social basis for "engendering" capitalist elements, has virtually disappeared.

VI. The Two Classes in the Soviet Union

Thirdly the Chinese comrades advance the idea that class differences between workers and peasants are a reason for the maintenance of the dictatorship of the proletariat. Although it is not stated explicitly in the Chinese criticisms that these are differences between hostile classes, this is implied, for it is emphasised that so long as these class differences exist so long is there need for the dictatorship of the proletariat:

> ". . . it will take a long, long time to eliminate the class difference between worker and peasant. And until this difference is eliminated, it is impossible to say that society is classless or that there is no longer any need for the dictatorship of the proletariat."
>
> (*A Proposal Concerning the General Line . . .* p. 41.)

The working class and the collective farm peasants certainly constitute two distinct classes. But they are not hostile classes. The relation of one to the other is not that of exploiter to exploited. They are friendly classes. The difference in the economic position of the two classes are not the same as those between classes in capitalist society where the absolutely opposed basis of the two classes in relation to the means of production is the foundation of the class struggle which rages in capitalist society.

While state industry and collective farm agriculture are two different forms of property, they are two different forms of *socialist* property. Hence the differences do not bear within them the seeds of inevitable class conflict and opposed class interests.

As a result, along with the differences, and despite the differences, it is not a figment of the imagination (or a retreat from Marxism) to speak of Soviet man, the man who, whether he be a worker in a state enterprise or a collective farmer disposing of his own products, has accepted

[1] Francis Cohen: *Le Destin Des Classes Sociales en U.R.S.S.,* Paris, 1963.

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socialism for all time, for whom a return to capitalism is unthinkable.

From this it follows that because of the developments which have taken place, because of the nature of collective farming as a form of socialist property, socialist consciousness has its roots in *both* forms of socialist property and, above all, in the whole life of men and women, both workers and collective farmers, in socialist society.

Crooks and Speculators

As for crooks, embezzlers, parasites, speculators, etc., these do not constitute separate classes as Marxists understand the word "class", that is the relation of people to the means of production. The struggle against them is that of society against social pests. And their relation to hostile classes is only an indirect one, as they tend to be used by foreign reaction.

The attack on the concept of the state of the whole people as meaning advocacy of a "supra-class state" is another example of what—at best—can only be called scholastic confusion of two totally different ideas and the mechanical transposition of attitudes which are correct for one but incorrect for the other. The state of the whole people is not the same thing as the idea of the "supra-class state".

Communists oppose the concept of the "supra-class state". For this is an idea advanced in *capitalist* countries, by capitalists and reformists to the effect that in a class-divided, capitalist society, where the class struggle rages, where the state serves the exploiters and the capitalist profit-making system, and is directed *against* the working class and the working people—the state is "neutral" and "above class".

People's Participation in Government

The concept of the state of the whole people is advanced in a totally different situation. In the Soviet Union the working class have won power, have finished with capitalism and abolished antagonistic classes and opposed class interests. The aims of the working class have now become the aims of the entire people. The state, therefore, cannot be the weapon of the working class against its class allies, the collective farm peasantry. On the contrary it is becoming more and more the medium through which the whole people is being brought into the business of government.

Along with the advance to communism, and an indispensable part of it, is the process whereby the people and their mass organisations participate increasingly in the activity of government. There is progressive decentralisation of government "from Moscow" and by state officials.

For many years the trade unions have been responsible for a number of state functions in the sphere of social insurance. In 1955 the planning of production by a single state body—the State Planning Commission—and the direction of industry by centralised commissariats located in Moscow was ended and the process of decentralisation initiated whereby the planning and the direction of industry are now undertaken by the Union Republics.

The Soviets themselves—the organs of national, district and local government are staffed by some two million deputies, the majority of them industrial workers. Through the medium of the standing committees set up by the Soviets (committees for the wider discussion of special problems of the work of the Soviets and for following decisions through) a further two million Soviet citizens are involved in the day to day activities of administration.

The administration of justice at its lower levels, is being undertaken more and more by the people with the establishment of "comrades courts", where people charged with petty offences are first "tried" by their fellow workers, who then fix the "penalty"; more often they dispense "comradely advice".

At the Twenty-Second Congress of the C.P.S.U. it was decided to extend this process in all directions "so that fresh millions of working people may learn to govern this state".

Here we have in practice the realisation of what Lenin spoke about when he said: "The more functions of state devolve on the majority, the less need is there for the existence of this power."

The state of the whole people is thus seen to be not a departure from the basic principles of Marxism-Leninism on the state and its forms in the transition to communism. On the contrary it expresses living developments in the relations of classes, of a united people, in the advance to communism. It represents not a sudden leap from the state of dictatorship of the proletariat but its living evolution and development. There are, of course, differences between the two sorts of state. That of the dictatorship of the proletariat is an organ of class domination. That of the whole people reflects class unity. The state of the dictatorship of the proletariat was essential for the advance to socialism. The state of the whole people is the form of advance to the higher phase of communism.

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The Liverpool Central Transport Strike of 1911

E. Frow and H. Hikins

THE four years before the imperialist war of 1914-18 known as "the Great Unrest", saw the development of a mass movement of the workers. It was offensive in character, with the workers in militant mood. So much so, in fact, that strikes were often called against the advice of the trade union leaders. It was during these years that a million men refused to work in the pits and incidents, such as that at Tonypandy where Metropolitan Police and troops clashed with the strikers, were frequent. The dockers brought the ports to a standstill, the railwaymen paralysed inland transport and all sections of the working class were in revolt.

The Background

Many of the strikes broke out on the initiative of the rank and file. Wages, hours of work and working conditions were the main issues involved, but nearly a third of the strikes were for recognition of the unions. The issue of the control of industry was also a recurring theme. The workers were in revolt against the class collaboration policy followed by the right-wing leaders. Despite the activities and advance of the British Socialist Party, and the ferment in the Independent Labour Party many militant workers turned from political action to embrace syndicalism. Among the most active of the Syndicalists was Tom Mann, agitating for the solidarity of all workers and organisation by industry instead of craft. In January 1912 in the first issue of *The Syndicalist*, he wrote: "We therefore most certainly favour strikes; we shall always do our best to help strikes to be successful, and shall prepare the way as rapidly as possible for the General Strike of international proportions. This will be the actual social and industrial revolution."

The fighting spirit spread and alongside the mass movement there developed a rank and file movement to change the trade union constitutions and make them a better weapon in the workers' struggles. The South Wales miners produced their famous pamphlet, *The Miners' Next Step* and the engineers formed "The A.S.E. Reform Committee".

In 1910 the Industrial Syndicalist Education League was founded at a conference in Manchester organised by Tom Mann. There were sixty delegates present (including eight from Liverpool) who represented seventy groups, sixteen trades councils and 60,000 workers. By November 1910, the thirty-six unions organising transport workers had joined forces in the Transport Workers' Federation. Dockers, seamen and carters were on the move, with stormy outbursts in Southampton, Hull, Manchester and London.

In Liverpool, the Transport Workers' Federation called a demonstration on the Plateau on May 31st, 1911, to herald its first National Conference which took place on the three following days. These were the days of huge mass meetings, but even by contemporary standards this demonstration was certainly large.

On a workday evening, the workers marched in procession from the south and north of the City with bands playing and banners flying. Seamen, firemen, ships' cooks and stewards, dockers, carters, railwaymen, canal workers, motormen and other transport workers were all united. Will Thorne, M.P., James Sexton, Ben Tillett and Havelock Wilson spoke for an hour and a half. The resolution adopted urged the transport workers to support the two seamen's unions which might "shortly be involved in a dispute with the shipowners". Havelock Wilson, the seamen's leader, announced that the date of the seamen's strike had been fixed.

Solidarity with the Seamen

The demands formulated by the unions show that although the leaders were keen to organise the strike, Wilson because he loathed the shipowners and Joseph Cotter of the stewards because he was a Syndicalist and was eager to see his men embark on their first organised fight, it was rank and file pressure which provided the impetus. The men objected to the degrading medical inspection insisted on by the owners. They demanded that a union representative should be present during hiring and that some wages be paid when in port during a voyage instead of being held until their return home. In addition they wanted improved forecastle conditions and an increase of ten shillings to bring the seamen's wages to £5 10s. and the firemen to £6 per month on the Atlantic liners. But the real key issue was the demand for union recognition.

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The pressure is seen in the events around the beginning of the strike. Havelock Wilson wrote to the owners' associations making a "last appeal" for discussions of the men's demands saying that it was "impossible for the Officers of the National Sailors' and Firemen's Union to restrain their men any longer". The date of the strike was secretly fixed for June 15th, but the men heard that June 14th was the day. Meanwhile the appeal was naturally rejected.

The Strike Begins

On the morning of June 14th at the North End Docks in Liverpool, 500 firemen refused to "sign on" for the C.P.R. boat *Empress of Ireland* and the White Star *Teutonic* and *Baltic*. In spite of the fact that there had been no announcement from the unions or from the strike committee already formed under the aegis of the Transport Workers' Federation, there was no quibbling about "official" or "unofficial" activities. Tom Mann, Chairman of the Strike Committee, who had only arrived from London the previous day, immediately went to Bankhall with a poster prepared for a meeting scheduled for that evening to announce the strike the following day, which read "WAR DECLARED: STRIKE FOR LIBERTY".

During that first hectic day four Companies—Cunard and Elder Dempster, Booth's and Alfred Holts'—all agreed to meet deputations from the Sailors' and Firemen's Union. The White Star Company agreed to the men's demands, though not to meet their union. None of these firms was affiliated to the Shipping Federation. There had been no previous negotiation because of the widely held view among the shipowners that discipline had to be of a military character and that that precluded democratic organisation. They had refused, therefore, to accept the existence of the unions and consequently there was no machinery for negotiation. Tom Mann began on that day the period of intense mental and physical activity which he maintained throughout the strike. In the press reports he is shown to have attended two or three public meetings as well as the innumerable meetings of the strike committee daily from June throughout July and August. He was always ready with an apt proposal to guide the movement and showed the utmost good humour to workers and employers alike.

First Phase

The first phase of the strike belongs to the seamen. Following the early discussions, Alfred Holts' granted the full demands of the union, Canadian Pacific, Lamport and Holts and the White Star Line made partial agreements. Meanwhile the Cunard and Booth Lines asked the strike leaders to defer action until early the following week. This, with the endorsement of mass meetings, was agreed. The display of solidarity shown by the seamen with the support of dockers and evident sympathy of the carters convinced the leading companies and by the Wednesday, Cunard, Booth and Canadian Pacific had conceded the demands including the recognition of the unions' rights to negotiate for the men.

The outstanding feature of the strike was the way that sectional interests were lost in the growing solidarity and common interest. On the first Monday when the White Star, Allan and Booth Lines were hesitant about the terms for the stewards and cooks, Joseph Cotter, the stewards' secretary was able to tell a meeting of 1,000 men that "the men on the *Megantic*, *Celtic*, *Virginian* and *Dominion* had gone out without exception". The *Daily Post* reporter whose despatches show his growing respect for the principled struggle taking place, wrote that "hitherto stewards had been inclined to draw a certain social distinction between themselves and the men at work on the deck and in the stokehold" but that "this condition of things" had been revolutionised and that "for the first time in the history of the Port of Liverpool, yesterday saw 'all hands' throwing sectionalism to the winds and joining hand-in-hand for the furtherance of the common cause". He comments that it was "a remarkable—even a historic—event in trade union progress", that among the "cloth caps of dockers and rough clothing of firemen" at the Dock Road meetings, there were now seen "smartly dressed young fellows wearing the 'very latest' in straw felt or cloth headgear, and up-to-date refinements in collars and ties".

Dockers and Carters

Similar developments of practical solidarity were taking place among the dockers and carters. The seventy dockers detailed to unload *The Painter*, which arrived from Glasgow manned in part by blackleg firemen, refused to touch the cargo. A significant feature of this incident was that the dockers were regular employees of G. and J. Burns, the owners of the ship and not one was in the union. This means, said the *Daily Post*, that "unionists and non-unionists, on whom they (i.e. the owners) relied, are now banded together". This unity of the non-unionists with the unionists behind the strike committees' leadership was a new element in the 1911 strike. It baffled the employers' efforts to use non-unionists as blackleg labour in an effort to starve out the unionists. It also laid the basis for recruitment to the union's ranks and the *Daily Post* reporter wrote that at the seamen's and steward's meeting at Bankhall on June 20th, officials of the unions "were kept busy all morning, taking names and issuing membership cards to stewards and cooks who were answering delegates' appeals to join the union".

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Even after the big transatlantic companies had concluded agreements with the union, the smaller owners in the Shipping Federation held out with the boast that they had "plenty of men to meet all contingencies if any crews of ships belonging to the Federation refuse to sail at the old rates". But tradesmen in many inland cities, the Manchester provision merchants, for example, called on the Board of Trade to bring the shipowners to heel and make the Federation negotiate. This proved decisive and the *Daily Courier* reported Tom Mann as saying that the Shipping Federation had "gone to kingdom come. It was absolutely bust". On June 28th it reported that the strike was ending and attributed the gratifying conclusion to the shipping companies' "generous treatment of the men" (29.6.11). But their jubilation was premature.

On June 28th, far from returning to normal, the dockers decided that what had won the seamen's strike could very well win *their* demands. The ideas of industrial syndicalism, having been tried in practice, were found successful and therefore acceptable to many more Merseyside workers. The day began with 4,000 dockers walking off the job, followed by seamen of all categories, scalers, coal-heavers and others until by the evening there were 10,000 men on strike.

The Strike Spreads

The close relations which had been forged between the crews and land workers during the seamen's strike laid the basis for the unity of action which was now displayed. In fact it was so spontaneous and general that it even took the strike committee by surprise. "The dockers relied," says the *Daily Courier*, "on the active support of the seamen, stewards and others." At nine o'clock that morning the entire crew of the *Empress of Britain* (Canadian Pacific Line) came out in support of the dockers. "Yes, I admit we have got what we wanted . . ." said a steward. "We have no grievance with the company, but there is a question of honour at stake. The dock labourers struck purely in sympathy with us, and now we are going to do the same for them." With that the *Empress of Britain* men proceeded on a triumphal march from dock to dock, calling out the men until every North Atlantic ship in the North End Docks was deserted (*Daily Courier*). The strike committee kept a level-headed attitude and undertook the task of returning to the shipowners (whom they had only just left) to demand the recognition of the National Union of Dock Labourers and the application of union rules on the docks.

Within a week the Dockers' Union, which under the leadership of James Sexton had for years struggled to build a membership and achieve recognition, was leading the organised and unorganised dockers in their struggle. Branches which had managed to keep a few hundred members were transformed in a matter of days into mass organisations of thousands. There was no arguing with unity and confidence of this magnitude and the firms either agreed to operate the rules or accept the demand for recognition before the week was out.

The mass movement thus generated was of a new character in the history of the British working class. Tom Mann made no secret of his view that industrial action of this sort would eventually bring about the end of capitalism and the realisation of a workers' republic. His fellow Syndicalists, Cotter and Pearce worked with him on the strike committee alongside Sexton, the single Socialist on the City Council who was a member of the Independent Labour Party (I.L.P.). It was the sense of direction which resulted from this leadership which gave the 1911 strikes an anti-capitalist outlook. This was an entirely new feature and made possible the united joint action over prolonged periods which marked these events.

The test of the leadership came with the dockers' realisation that all the companies had not granted all their demands. Whilst most of the big shipping firms had now agreed to recognise the union, they had not agreed to adopt union rates of pay and conditions of work. The strike committee had agreed to the Cunard Chairman's promise to convene a conference within a month to settle these matters. Meanwhile, the owners were acting in different ways. The Canadian Pacific agreed to apply the rules provisionally for one month. The Allan Line agreed (after a half-day's strike on the *Tunisian* in which crew as well as dockers took part) to pay union rates. The White Star refused even to recognise the union.

The strike committee which saw the overall picture and was able to judge the financial position involved in paying five shillings a week strike pay to every member however new in membership, realised that the great resources of the big shipping firms could prove critical unless discipline was rigidly observed. Public liberal sympathy, which together with obvious trading and shopkeeping interests were inclined to favour the efforts of the poorly paid sections to raise their social status, would be lost if reasonable proposals were ignored. Therefore, when the shipowners put forward the "reasonable" proposal that they should have time to study the "Rule Book" sympathetically before reaching an agreement on it, it was necessary to act with meticulous reasonableness and agree to this proposal (even if they could have studied it many years before). Failure of the strike committee to keep effective leadership of the movement would have given the employers the opportunity to break off negotiation and possibly repudiate all they had already agreed to. The strike committee issued a manifesto clearly setting out the agreement reached

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and repeating the "back-to-work" instruction already given verbally. They threatened any unauthorised action on the part of sections with expulsion from the union. This had little effect. Dockers are not easily "told". Next morning they remained out and the torn remains of the manifesto were blowing about the Dock Road.

The next step was to co-opt the Secretary of the N.U.D.L. No. 12 Branch, George Milligan, on to the Committee. Both he and his members were critical of the Committee's recommendation. With Milligan, the Committee returned for another interview with the Cunard Chairman on the Friday morning. Later that day, Mann, Sexton, Cotter and Milligan reported to a meeting of over a thousand men. Even with the support of the President of No. 12 Branch Mr. Dunford and a docker named Parker, they obtained the support of only forty-two men at the Bankfield meeting. Another meeting at Sandhills Lane rejected them *nem. con.*

Problems of Leadership

In the following three days the Committee faced the task of teaching the thousands of inexperienced trade unionists the meaning of working class discipline. They did this by constant explanation at open air meetings on the Dock Road and by transforming a Sunday meeting at St. George's Plateau from a railwaymen's rally into a mass meeting to explain the situation on the docks. "I am going to tell these men my honest opinion," said Tom Mann, "if, even, they should throw me in the dock afterwards. I have never been afraid of facing the employers and I shall never be afraid of facing workmen. No man shall ever accuse me of fear or insincerity." From the newspaper reports on the Saturday and Sunday, he kept his word. His speeches were models of frankness and plain speaking and they had the desired effect. On the Monday morning after some hesitation on the North End Docks, the return to work was general.

It might be thought that there would now be a lull while the two sides consolidated their organisation. But the whole month of July was punctuated by one trade after another following the example of the shipping workers. The tug-boat crews were already out when the dockers went back to work. They were followed by the coopers and labourers at the Stanley Dock tobacco warehouse. Eighteen young scalers of Wallasey Ferries demanded a twelve shillings a week wage. They struck for two shillings increase and petitioned the employers afterwards. The oldest of them was fifteen. The Cotton Exchange porters struck for an increase of threepence a day. The brewery workers held a mass meeting and voted to join the union and brew "union ale". At the end of the month, a thousand oil workers went on strike and demanded an increase in wages. Not to be outdone, the girls at the Walton rubber works went on strike because they were fined fourpence for each pair of spoiled shoes, but paid only a penny or twopence for making them. Then just as the conference of shipowners and dockers was reaching its final agreement, the railway workers began what was to be the most bitter phase of the entire summer campaign.

The Railwaymen Come Out

This development of militancy was so massive, so full of an unwonted confidence among people hitherto backward in organising, that reading the reports is like reading about a liberation movement. A basic change of outlook took place among great masses of people, and it is small wonder that it carried over into subsequent local electoral victories almost in spite of the political movement's failure to grasp the possibilities of the situation.

The rank and file railwaymen had become divorced from their officials due to the system of interminable conciliation boards which served to delay decisions past all hope. During the sitting of the board, the union could not call a strike, so it must have seemed to the men that there was little value in having a union. Added to that, the officials had "fallen over backwards" ever since the Taff Vale Judgment in 1901 in order to avoid legal action by the employers. So, in July, when the goods porters at the Lancashire and Yorkshire North Docks Depot in Great Howard Street put in a demand for reduced hours, increased wages and extra pay for overtime which got no results, they gave notice and then on August 5th, 500 of them went on strike. The union, the Amalgamated Society of Railway Servants, hastily instructed them to return to work and submit their demands through a conciliation board.

The other Lancashire and Cheshire Railway goods porters, totalling a thousand men, immediately joined them. So the Company which had released an agreement reached among the employers that no railwayman who took part in a strike would ever be reinstated, realised that they were dealing with a serious situation. They repeated their intention of blacklisting strikers and promptly engaged eighty new porters from outside Liverpool.

As with the dockers, so the railwaymen gathered support and confidence as the strike went on. Other Companies found their men out not only in sympathy, but with their own demands. The Cheshire Lines Strike Committee formulated a list of thirteen modest but urgent demands headed by abolition of the conciliation boards. Three days after the North Docks porters had struck, the entire docks rail traffic was at a standstill. The Joint Strike Committee gave its support and called on all railwaymen in Liverpool to come out on strike and other transport workers to give them assistance. This was a serious

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decision for the Strike Committee to take because it meant, in effect, that they had taken over the leadership of the railwaymen from their own union. Tom Mann was in favour of backing the men as he made clear to a meeting at Pall Mall by Exchange Station. On August 17, the Executives of the four main railway unions called a national stoppage. But a great deal happened on Merseyside before that.

Police Intervention

When the seamen had been on strike, the Liberal Government had refused to intervene. Certainly they had sent troops and police in numbers to Hull at the end of June, but they had refused all efforts on the union's part to persuade the Board of Trade to use any persuasion with the shipowners. It is worth noting that the contemporary accounts of all the strikes point to the orderly and disciplined behaviour of the striking men—until the police were brought in. It was then that the disturbances took place. It was, for instance, after 100 Leeds policemen arrived at Dale Street Station, that violence broke out. During the rest of the week, there was a build-up of the state forces until the *Daily Post* calculated that there were 5,000 troops and 2,400 police at the disposal of the Head Constable. Such a force was bound to lead to trouble and on the Sunday, which became known as "Bloody Sunday" a meeting of the men, possibly the largest that Liverpool has ever seen, was attacked by the police. The full story of this battle is told in Tom Mann's *Memoirs* and it is still remembered in Liverpool to this day. After the Sunday there was a general deterioration in the position until on the Tuesday morning five prison vans escorted by troops were held up and two men were killed when the troops fired on the crowd.

Tom Mann had announced that, failing an agreement by the Railway Companies to negotiate, there would be a general strike throughout Liverpool. So on the Tuesday morning the entire port closed down. There was no transport of any kind whether on sea or land. From that Tuesday until Thursday 17th the Companies continued to refuse to negotiate with either strikers or trade unions and the Government refused to mediate.

"By Permission of the Strike Committee"

What changed the situation was the organisation which grew out of the needs of a City in everyday terms. Certainly the official support of the unions for the strike and its rapid spread nationally must have alarmed the Government. But the most effective factor was the issue of permits by the Joint Strike Committee for all essential work. From the start, milk was delivered by permission of the strikers. Farsighted tradesmen soon saw the point of such a procedure and before long bread was "set free" and permission was sought from the strike committee for other goods. Even the Liverpool Postmaster approached the committee in respect of overseas mail and was granted a permit. (See Letters (1) to (5) in Postcript.)

The implication was quickly seen, for a question was asked in Parliament about the propriety of Government officials submitting to the committee's authority. In these permits lay the basis of working-class control of the means of distribution and the Government was not slow to understand that they needed to act quickly before the situation developed. They set up a Commission which was to be the most rapid ever known and on Tuesday morning, August 22nd, the railwaymen returned to work with no reprisals. Their morale was sufficiently high for them to strike again in November when they objected to some of the Commission's proposals—and get them altered.

It looked as though the Joint Strike Committee's work was ended, but it did not wind itself up until its meeting on August 24th. The Liverpool tramwaymen had struck with the other transport workers. As civic authorities, apparently, the Corporation did not feel itself bound by the agreement reached by the other employers and it informed 250 of its strikers that they would not be reinstated. After the Joint Strike Committee issued a threat to call a national sympathy strike with the tramwaymen, the Corporation finally agreed to give up its petty vindictiveness. Although this decision was only partially honoured, that is another story and with the return to work of the tramwaymen, the story of the Liverpool transport strike effectively ends.

Syndicalism—Strength and Weakness

The events outlined above throw into sharp relief both the strength and the weakness of syndicalism.

The Liberal victory of 1906 with twenty-nine Labour Members of Parliament led the workers to believe that something would be done to improve wages and conditions. The reverse took place; real wages dropped from 100 in 1900 to 92 in 1911. Despite the demagogy of Lloyd George, the introduction of National Insurance and other reforms, the two parliamentary contests of 1910 with their Liberal victories, were marked by general apathy.

During this period, arising from the Trade Board Act, National Insurance Act and similar legislation, some four to five thousand new administrative posts with salaries up to £1,000 a year were created by the Liberal Government. Hundreds of active trade unionists, mostly officials, were among those appointed which further discredited politics among the active workers.

The reason for the rise of syndicalism was given in *The British Socialist* where in an article entitled

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The Syndicalist it said: "It becomes strong wherever socialism has lost its old revolutionary force as a political labour movement, where it has become a mere reform movement which tries to appeal to all circles, however backward" (*The British Socialist*, 1912, p. 368). This assessment of the vice of syndicalism was similar to that made later by Lenin, who wrote: "In Western Europe revolutionary syndicalism in many countries was a direct and inevitable result of opportunism, reformism and parliamentary cretinism" (*Collected Works*, Vol. 13, p. 166).

The positive role of syndicalism consisted in its advocacy of organisation by industry, emphasis on direct action, propaganda for the abolition of capitalism and for the social revolution, and leadership of the masses of workers in great class battles.

The negative features are the overestimation of the General Strike at the expense of smaller and more immediate struggles, rejection of a political party of the working class and the idea that the trade unions could carry out the social revolution. It also failed to understand the need for a socialist state and advocated that the trade unions should fulfil that role.

Tom Mann in his letter of resignation from the Social Democratic Federation in 1911, wrote: "So I declare in favour of direct industrial organisation; not as a means, but as *the* means whereby the workers can ultimately overthrow the capitalist system and become the actual controllers of their own industrial and social destiny" (*Social Democrat*, 1911, p. 420). In the Objects of the Industrial Syndicalist Education League under the heading of Membership, it states, ". . . no one who does not declare for non-parliamentary action may share in the responsible work of administration of the League" (*The Syndicalist*, No. 1, 1912). It is to the great credit of Tom Mann that in 1920, after the experiences of the Russian Revolution, he repudiated syndicalism and joined the Communist Party.

Syndicalism or Socialism?

These fundamental differences between the Syndicalists and the Socialists were discussed at the time in four articles in *The British Socialist*. Two were by Gaylord Wiltshire and two by Fred Knee. Fred Knee made the Socialist position quite clear: "As a Socialist and trade unionist I am ready to employ any and all means to bring about the overthrow of capitalism" (p. 242), and he went on to say ". . . we Socialists are out to secure the supremacy of the working class, to place that class as a whole in possession of the means of life, and so to obliterate all class distinctions . . . we mean that the working class, by votes and strikes and even by brute force if necessary, shall thrust them out" (p. 251). He refused to accept the contention that a general strike automatically brought the social revolution and said that "so long as the capitalist state remains with its army, navy and police, and its hand on the machine of administration, so long will it be possible for that capitalist state, when thoroughly awake to any danger, to throttle any strike, however big, and to render it abortive" (p. 247).

Nevertheless syndicalist ideas continued to flourish in the working-class movement, particularly in the Shop Stewards and Workshop Committee Movement in the First World War. So that when the Communist Party was formed in 1920, these issues had still to be thrashed out. The experiences of the Bolshevik Party and the success of the Russian Revolution determined the outcome of these discussions. William Gallacher has given a most interesting account of the discussions at the Second World Congress of the Communist International, where Lenin fought for clarity against "Leftism" in many countries. Gallacher represented the Clyde Workers' Committee and writes: "We were at that time 'Left' sectarians, and refused to participate in the discussions taking place between the British Socialist Party and the Socialist Labour Party on the question of the formation of a Communist Party in Britain." But after reading the newly published *Left-Wing Communism, An Infantile Disorder* he says that "it was a real shock to find that already, before I had been anywhere near the Congress, all the fancy building I had been doing was knocked into a complete ruin". After prolonged discussion in Commissions, Gallacher met Lenin and says: "We talked of the building of a Party and its role in leading the revolutionary struggle. I had never thought much about the Party before, but I began then to get a real understanding of what a Communist Party should be" (*Communist International*, Vol. 12, p. 117). When he returned to Britain, Gallacher played an outstanding part in building the Party and as a one-time anti-Parliamentarian, he has a proud record for fifteen years as a Communist Member of Parliament. That, however, is another story. Syndicalism and the movement for industrial unionism injected new life into the Trade Union movement. This was seen most clearly during the 1914-18 war years in the engineering industry, where the workers revolted against wartime regulations which had been accepted by their officials, and Shop Stewards and Workshop Committees rose up to organise the struggle.

Influence

In estimating the influence of syndicalism it must be borne in mind that another trend existed in the movement, that is industrial unionism which also had an influence on trade union development.

The influence of syndicalism and industrial unionism is seen in the movement for trade union

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amalgamation and federation which included, in 1910, the Transport Workers' Federation; the National Union of Railwaymen in 1913; in 1917 the British Iron, Steel and Kindred Trades Association, and with added impetus after the war, in 1918, the National Federation of Building Trade Operatives; in 1920, the Amalgamated Engineering Union; in 1921, the Transport and General Workers' Union and in 1924 The General and Municipal Workers' Union. These amalgamations were not a formal process. They reflected the struggles of the times and were accompanied by rapid growth in trade union membership. The membership of unions affiliated to the Trade Union Congress rose from 1,647,000 in 1910 to 2,682,000 in 1915, 6,505,000 in 1920 and 8,812,875 in 1962. These figures show an increase of 300 per cent in the ten years from 1910-20, then an increase of 28 per cent from 1920-62 while at the same time the working population continued to grow.

The current membership of the T.U.C. is about one-third of the total working population. In the period since the big amalgamations of the 1920's stagnation has set in. As Leo McGree pointed out at last year's T.U.C., the General Council proposes to put everything in order except its own house. Further amalgamations and a big drive to recruit members are urgently necessary, but will only be brought into being by the pressure of the progressive forces in the movement.

In our struggles today and tomorrow we should draw inspiration from the fighting spirit of the syndicalists and learn the lessons of the mistakes they made. Certainly their activities in Liverpool in 1911 helped to paint one of the colourful pages in our industrial history.

Postscript

"WITH THE PERMISSION OF THE STRIKE COMMITTEE"

As a postscript to the article by E. Frow and H. Hikins on the Liverpool Transport Strike of 1911, *we print extracts from a number of letters addressed to Tom Mann as Secretary of the Strike Committee. The letters speak for themselves.*

(1)

CANADIAN PACIFIC RAILWAY COMPANY
ROYAL LIVER BUILDING, PIER HEAD
LIVERPOOL

August 9th, 1911

General Department

Refer to File No. F.S.18

Tom Mann, Esq.,
Spekeland Buildings,
Canning Place, Liverpool

Dear Sir,

Passengers' Baggage for "Empress of Ireland" sailing Friday

Confirming conversation on the telephone today, I am quite sure that neither you nor your Executive wish to enforce the conditions resulting out of the present labour trouble upon the passengers who are sailing by our "Empress of Ireland" on Friday, and in furtherance of this belief I would appreciate it if you would extend to us the facility for removing passengers' luggage sent in advance to the Lime Street, Central, and Exchange Stations, also any passengers' baggage sent by goods to the Canada Dock Station. At the various goods stations the pieces number as follows:

L. & N.W., Canada Dock	82	pieces
Midland, Sandon & Canada Dock ..	11	,,
Gt. Northern, Huskisson	13	,,
G.W.R., Dukes Dock	13	,,
Midland, Brunswick	6	,,
Great Central, Huskisson	11	,,
	136	,,

I cannot estimate the number of pieces sent to the passenger stations, but when I tell you that we have 1,400 first, second and third class passengers on this ship you will appreciate the fact that there will be a fair quantity.

I am prepared to give you my undertaking that only passengers' baggage consigned for shipment by our "Empress of Ireland" will be removed from any of the stations named, and I trust that I may have your good offices in obtaining delivery of same.

Yours truly,
F. W. FORSTREY,
Agent.

Instructions in Tom Mann's handwriting at foot of this letter read:

"Request granted conditionally upon C.P.R. undertaking to employ only licensed porters to handle baggage. Phoned accordingly 10 a.m. to Mr. Forstrey."

(*signed*) T. M.

[ED.]

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(2)

R. SILCOCK & SONS
Feeding Cake and Seed Crushing Works
STANLEY HALL, UNION STREET,
LIVERPOOL

August 11th, 1911
10.0 a.m.

Mr. Tom Mann

Dear Sir,

We understand that your pickets are refusing to allow our coal merchants to deliver Slack that we ordered to

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come by water more than a week ago, and which is now awaiting delivery at Vauxhall. This means that the whole of our works will be stopped within the next twenty-four hours, and in consequence the whole of our men will be thrown out of employment.

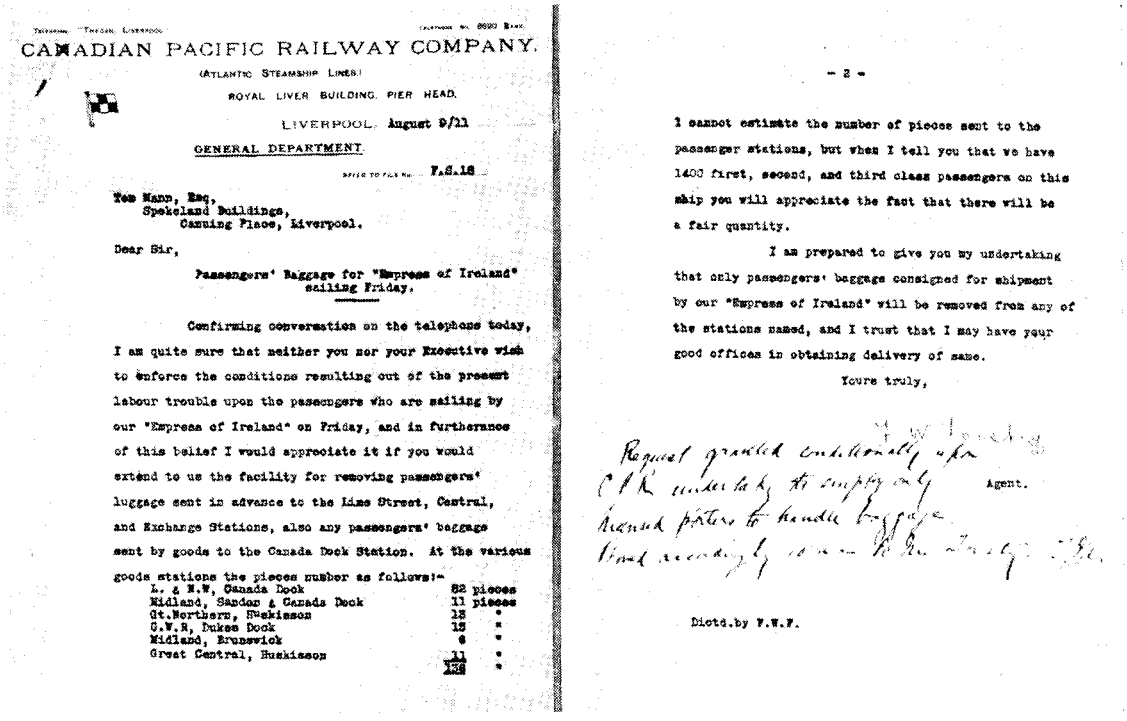
We understand that amongst a section of the strikers this is thought to be desirable, but we cannot see how this can be so. We conceded the demands of our men some time ago, and they are now perfectly satisfied and willing to work. We do not see how the side of the strikers would be strengthened by bringing out a number of men who do not want to come out, but on the other hand would be a source of weakness to the Railway men through their anxiety to start work again.

We should therefore be glad if you could instruct the pickets to pass into our mill the Slack that is coming by water, and which is not being handled by the Railway Companies at all.

On our part, if this is conceded, we guarantee not to attempt to bring in Slack or any other goods by rail, nor to send any of our manufactured goods away by rail until the termination of the strike. We hope to have an early reply, as the matter is urgent.

Yours faithfully,

R. SILCOCK & SONS



CANADIAN PACIFIC RAILWAY COMPANY.

(ATLANTIC STEAMSHIP LINES.)

ROYAL LIVER BUILDING, PIER HEAD.

LIVERPOOL, August 9/11

GENERAL DEPARTMENT.

F.S.18

Tom Mann, Esq,
Spekeland Buildings,
Canning Place, Liverpool.

Dear Sir,

Passengers' Baggage for "Empress of Ireland" sailing Friday.

Confirming conversation on the telephone today, I am quite sure that neither you nor your Executive wish to enforce the conditions resulting out of the present labour trouble upon the passengers who are sailing by our "Empress of Ireland" on Friday, and in furtherance of this belief I would appreciate it if you would extend to us the facility for removing passengers' luggage sent in advance to the Lime Street, Central, and Exchange Stations, also any passengers' baggage sent by goods to the Canada Dock Station. At the various goods stations the pieces number as follows:-

L. & N.W, Canada Dock	82 pieces
Midland, Sandon & Canada Dock	11 pieces
Gt.Northern, Huskisson	15 "
G.W.R, Dukes Dock	15 "
Midland, Brunswick	6 "
Great Central, Huskisson	11 "
	140 "

- 2 -

I cannot estimate the number of pieces sent to the passenger stations, but when I tell you that we have 1400 first, second, and third class passengers on this ship you will appreciate the fact that there will be a fair quantity.

I am prepared to give you my undertaking that only passengers' baggage consigned for shipment by our "Empress of Ireland" will be removed from any of the stations named, and I trust that I may have your good offices in obtaining delivery of same.

Yours truly,

Agent.

Dictd.by F.W.F.

Letter from Canadian Pacific Railway Company to Tom Mann. (See Postscript p. 84)

(3)

THE LIVERPOOL MALT CO. LTD.
BUSH MALTINGS, LIME KILN LANE
AND
BEVINGTON BUSH
LIVERPOOL

August 11th, 1911

The Strike Committee,
22 Canning Place,
Liverpool.

Dear Sirs,

We have a number of bundles of empty sacks which have been returned by our customers and which are now lying at L. & Y. North Docks Station, L. & Y. Great Howard Street Station, Midland Sandon & Canada Dock Station. Unless we can get possession of these sacks, we will be forced to shut down our Mills, and in consequence our workmen will be idle. If we can get these sacks we would purpose bringing them to our Mills in Lime Kiln Lane, Liverpool, by Harper's carts, and after filling them would store them in our own Mill Warehouse until such time as the Railway companies can again receive traffic.

We shall be glad if you will give us a written permit for your pickets to allow us to get these sacks at once.

Thanking you in anticipation,

Yours truly,
THE LIVERPOOL MALT CO. LTD.
B. ELVIN ROSS

Pencilled in Tom Mann's handwriting at the head of this letter is the word "Declined", and at the foot the word "No".

[ED.]

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(4)

(FROM THE POST OFFICE AUTHORITIES)
LIVERPOOL

August 14*th*, 1911

Sir,

You are reported in this morning's Liverpool papers to have said yesterday that a general strike of transport workers would commence tomorrow morning if a satisfactory settlement of the dispute were not arrived at this morning. I have just learned that the Docks have been closed and all work in them suspended. It is not definitely stated whether the Mail Cart Drivers are included in the expression "transport workers", and I shall be obliged, therefore, if you will be good enough to inform me whether the free passage of the Mail Carts, conveying mails, will be objected to or the Drivers interfered with.

I may add that in making this application I am directed particularly to explain, for the information of your Committee, that it is not within the province of the Postmaster General to interfere and that he has no desire to interfere in any way in the conduct of the Strike whether on behalf of the employer or employed. The only object in view in this communication to you is to secure if possible the regular continuance of Mail Services, which cannot be interrupted without the gravest inconvenience to the residents of the whole of the city and suburbs.

The bearer of this letter will give any information you may desire as to the conditions of employment of the Mail Cart Drivers, and I shall be obliged if you will be good enough to send your reply by him.

I am,
Your obedient Servant,
F. SALISBURY.

Mr. Tom Mann

---

(5)

LIVERPOOL,
August 14*th*, 1911

Sir,

I beg to thank you for your letter intimating that the Mail cart services will not be interfered with.

I am. Sir,
Your obedient Servant,
F. SALISBURY.

Mr. T. Mann

International Law and the Use of Force by States

Nicolas Harrison

IN a world where revolutionary developments in military technology threaten millions of people with extinction the question whether it is possible to build a legal framework within which conflicts and disputes between states can be regulated and the danger of war excluded or at least minimised is one that has acquired an unprecedented urgency. If it is true that the recent history of international relations does little to inspire confidence in the possibility of establishing a legal system whereby this could be accomplished at least our present predicament leaves no excuse for not attempting to do so.

It cannot be doubted that there is a general awareness of the hazards of nuclear war and of the contradictions which are involved in accepting the use of nuclear force as an instrument of national policy, not only among statesmen and scientists but also among the public at large. What are the possibilities? Does international law in its present stage of development provide an effective means for regulating disputes between states? This is a complex topic and one which is very much bound up with controversial political issues. It is not surprising that among international lawyers with a reputation for academic detachment to safeguard there is a tendency to fight shy of this question and fish in less troubled waters. There is therefore every reason to welcome an important book[1] written by a Marxist scholar which, on the basis of immense research, makes a thorough and detailed examination of the modern law governing the use of force.

Briefly, the question that Dr. Brownlie in his *International Law and the Use of Force by States* sets out to answer is this: In what circumstances and to what extent is the use of force by states as an instrument of national policy legally justified under modern international law?

Law and the Use of Force

The question of the use of force and the regulation of the use of force is one that goes to the very basis of a legal régime. The function of law

[1] *International Law and the Use of Force by States*, by Ian Brownlie, M.A., D.Phil., Oxford University Press, 75s.

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in society is not simply to abolish the use of force; given the necessity for a legal system, force has a decisive role to play in that system. To put it shortly, the function of law is to secure for the organs of the state a monopoly of the use of force and to ensure that it is exercised according to certain definite rules and towards certain socially determined ends. Thus the Danish jurist Alf Ross has defined a national law system as "the rules for the establishment and functioning of the state machinery of force".[2]

However, even in the most highly developed legal system there must be occasions when the individual is entitled to use force in order to protect himself from immediate danger. Nevertheless, in any modern national law system the aim is to reduce these occasions to the minimum. The problem of the use of force therefore is not, as such, one of very great interest. In international law, on the other hand, the question assumes a wholly different character. Although, as Dr. Brownlie shows, under the United Nations *Charter the Security Council* is endowed with powers amounting to a virtual monopoly of the use of force, political divisions among the permanent members has to a large extent rendered the exercise of these powers ineffective.

The Classical Law

During the period prior to the First World War the characteristic feature of international law was one of indifference to the occasion for the use of force. Generally speaking it was accepted that the right to resort to war was an aspect of state sovereignty. International law made no attempt to regulate recourse to force, both in the case of war, the most extreme use of force, and in the case of hostile measures which technically were not classed as war. Thus it was stated in 1880:

> "International law has no alternative but to accept war, independently of the justice of its origin, as a relation which the parties to it may set up, if they choose, and to busy itself only in regulating the effects of the relation." [3]

There was, however, a considerable effort by jurists and propagandists to supply theoretical justifications for the use of force. Although there was much confusion over terminology, under the classical system which evolved in the nineteenth century certain distinct categories are discernible. The main division was between war in the technical sense and the so-called "hostile measures short of war". In the former case, after the formal declaration of war by the parties to the dispute, international law simply accepted the situation and concerned itself with regulating the rights and duties of belligerents both between themselves and as regards neutrals. Given a state of war no judgment was made as to the merits of the dispute: this was left to the propagandists of either side. It was rare that a belligerent did not conceive itself to have right on its side, both in law and morality so far as these were distinguished.

"Hostile Measures Short of War"

More interesting perhaps were the rules relating to "hostile measures short of war". These were classified under three headings: (1) intervention, (2) reprisals and (3) self-defence. There was no clear distinction between these categories. Very often particular actions could fall within more than one, and indeed by the end of the nineteenth century "intervention" had come to include the other two categories. Intervention was associated with such concepts as "self-preservation" and "necessity", which tended to give it a very broad scope. It could thus be applied in virtually any situation. However, it was recognised in theory that intervention, which denoted a dictatorial interference in the domestic or foreign affairs of another state, in other words a violation of that state's sovereignty, required further legal justification under some such head as "legitimate reprisal", "protection of nationals" or self-defence.

Reprisals involving the seizing of persons or property in retaliation for a legal wrong and generally took the form of blockades or seizure of ships of the offending state either on the high seas or in the territorial waters of the state that had been wronged. In principle the meaning of "self-defence" is quite clear, but there was, and is, much controversy over its scope and application, there being a strong tendency to identify with the vague concept of self-preservation. Thus the plea of self-preservation was advanced by Germany as a pretext for the invasion of Belgium in 1914.

From the foregoing it can be seen that as far as the use of force was concerned prior to the 1914-18 war the legal regime represented a state of anarchy rather than law. Thus Brierly[4] is fully justified in asserting:

> "Before the League [of Nations], international law was a decentralised system in which each state held itself entirely free both to decide and act for itself, and although the classical system knew of certain principles regulating the recourse to forcible measures short of war, their application was necessarily uncertain when each state claimed the right to be the judge of the merits of its own case."

[2] *On Law and Justice*, p. 34.

[3] Hall, *International Law* cited by Brierly, *The Law of Nations*, 6th edn., p. 398.

[4] Op. cit., p. 397.

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It must also be remembered that the classical law of the nineteenth century was entirely "customary law", i.e. law established by custom and primarily evidenced by the practice and declarations of states. What treaties there were, and there were some in existence by the end of the century which obliged the parties to settle their disputes by peaceful means, only created a "special law" between the parties. They could have no effect on the general law affecting all states.

The foundations of the classical law were laid in the era in which the system of modern nation states was being consolidated and when the primary emphasis among the "great powers" was on political sovereignty and independence. The legal doctrines of this period were also well suited to the purposes of the imperialist states (though colonial oppression was to a large extent withdrawn from the sphere of international law by the simple process of annexation, itself fully sanctioned by the legal regime of the period).

A typical example of the doctrine of reprisal in operation is afforded by the case of *Perrin* v. *United States* which was heard in the U.S. Court of Claims in 1868.[5] The facts of that case revealed that the inhabitants of Greytown, Nicaragua, had been "guilty of many outrages and depredations" on citizens of the United States engaged in the gold trade and similar "lawful" enterprises for which the passage through Central America was of some importance. Apparently the Nicaraguan authorities were either unable or unwilling to suppress the activities of the "reckless and desperate adventurers" who resorted there or to "restrain and suppress their lawless and obnoxious conduct". Clearly "something had to be done" and accordingly the President of the United States despatched the U.S. ship *Cyane* under Commander Hollins to Greytown to demand, in accordance with the requirements of the law, "adequate reparation and suitable apologies". Unfortunately, these demands were not acceded to and so the Commander proceeded to open fire on the town. In the words of Chief Justice Casey "a large portion of the place was battered down by guns of the ship, and then a party was sent on shore to apply the torch, and complete by burning what had escaped the bombardment. The town was totally destroyed".[6] Not surprisingly, there are no records of similar "police actions" taken by small states against any of the great powers.

[5] 4 *Court of Claims Reports*, p. 543; Briggs, *The Law of Nations*, 2nd edn., p. 948.

[6] Ibid. The unfortunate claimant, Mrs. Perrin, a French subject whose property was destroyed in the action, was unable to obtain redress as the court held that the actions of the U.S. Government in its relations with foreign states could not be challenged in a U.S. court.

Effects of the 1914-1918 War

Until the outbreak of the First World War the system of unregulated use of force served the interests of the great powers well enough. There were, of course, innumerable wars, as well as actions not technically classified as wars but equally destructive of life and property. The main effect of these was, however, felt by the colonial and semi-colonial countries. In any case such actions were usually regarded by the great powers as being in the nature of "police measures" for the protection of the vital interests of the imperialists, as indeed they were.

As Dr. Brownlie points out (p. 51) it was the Great War which emphasised the failure of the system of alliances to maintain a general peace. The breakdown of the balance of powers which marked the first stage in the onset of the general crisis of imperialism served notice on the powers, particularly those who had profited most from the spoils of war, that methods less crude than the unregulated use of measures of self-help were necessary to protect their interests. Apart from this the events of the war, with its enormous destruction of life and the general chaos which followed, particularly in the European states, created among the masses of ordinary people a demand that it should never be repeated, a demand that was dramatised by the events in Russia and the Decree on Peace adopted by the All-Russian Congress of Soviets on November 8th, 1917. This pressure forced the statesmen to adopt a new approach to the problem of maintaining peace.

The League Covenant

For instance, there was for the first time an attempt to apply the concept of war guilt, the most spectacular feature of which was the decision of the Peace Conference publicly to arraign and try "William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties",[7] in spite of the fact that the Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties had reported that "a war of aggression may not be considered an act directly contrary to positive law".

The new climate of this period also encouraged the statesmen gathered at Versailles to bring into

[7] *Peace Treaty*, Art. 227; significantly, the reference is to international "morality" rather than "law".

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being the Covenant of the League of Nations, which became an integral part of the peace treaties. In spite of its many defects, and despite the fact that, as a political institution, the principal function of the League in its early stages was to serve the interests of certain imperialist states, this document marked the first major turning point in the development of the modern law relating to the use of force which forms the main theme of Dr. Brownlie's book.

The two most important innovations of the Covenant were (1) the creation of express obligations on members to employ peaceful means for settling disputes, e.g. by reference to arbitration, to the international court or to the Council of the League, and (2) the empowering of the Council to employ sanctions against any member who failed to comply with these obligations. In the long run perhaps the most important effect of the Covenant was to make any war between states a matter of international concern. As Dr. Brownlie observes (p. 57):

> "War was no longer to have the aspect of a private duel but of a breach of the peace which affected the whole community. Thus Article 11 provided that any war or threat of war was a matter of concern to the whole League."

These measures were, however, still subject to certain defects, the so-called "gaps" in the Covenant. It is true that Article 10 imposed on members an obligation to respect and preserve the territorial integrity and political independence of all member states as against external aggression. Nevertheless, the view was advanced that this Article did not constitute a legal but rather a moral obligation.[8] Whatever the merits of this argument it was certainly true that, in view of the vagueness of the terms in which it was expressed, it hardly constituted an effective legal obligation. Furthermore, there was no clear relationship between it and the provisions of Articles 11-15 which concerned the pacific settlement of disputes. Although more effective in practice these provisions, being of a procedural character, presupposed the right of members to resort to war after the specified time limit following the breakdown of attempts to effect a peaceful settlement. Thus, in apparent contradiction to Article 10, Article 15 (7) specifically permitted war in such cases. It is fair to add that during the period of the League no state actually relied on this right; the practical failure of the League was due to political reasons rather than the formal defects in the provisions of the Covenant. Nevertheless, it did mean that no final break had yet been made with the old law of self-help.

[8] See Brownlie, p. 62.

A further defect in the Covenant was the use of the word "war". As we have seen, during the nineteenth century an unfortunate and somewhat artificial distinction had been drawn between "war" and "hostile measures short of war", a distinction moreover which depended on the subjective factor of whether the parties had made a formal declaration of war. It was therefore possible for a state to argue that the obligations of the Covenant were not applicable on the grounds that there had been no declaration of war. Thus in the conflict between China and Japan during the 1937-41 period all the parties "actively connived in maintaining the fiction that war did not exist".[9]

In spite of its defects, however, it is undoubtedly true, as Dr. Brownlie clearly shows (p. 66), that the League Covenant provides the starting point for subsequent developments which finally destroyed the presumption in favour of the lawfulness of war. There was a general awareness of the inadequacies of the Covenant system. Various attempts were made to amplify and strengthen the provisions of the Covenant, for example the Draft Treaty of Mutual Assistance (1923), the Geneva Protocol 1924 and the Locarno Treaties of 1925 under which Germany, Belgium, France, Great Britain and Italy undertook in no case "to attack or invade each other or to resort to war against each other" with certain exceptions (i.e. legitimate self-defence against aggression, action in pursuance of Article 16 of the Covenant or of a decision of the Council or Assembly of the League).

This process culminated in 1928 with the signing of the "General Treaty for the Renunciation of War".[10] By Article 1 the parties condemned "recourse to war for the solution of international controversies" and renounced it "as an instrument of national policy in their relations with one another" and by Article 2 they agreed that the "settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them, shall never be sought except by pacific means". What was significant about this treaty was not only the categorical terms in which it was expressed but the fact that it contained no provisions for renunciation and was of almost universal application. Thus before the outbreak of the Second World War only four states[11] in the then existing

[9] See Brownlie, p. 60.

[10] Often referred to as the "Pact of Paris" or "Kellogg-Briand Pact".

[11] Bolivia, El Salvador, Uruguay and Argentina (Brownlie, p. 75). These states were, however, parties to the "Saavedra Lamas Pact", which contained similar provisions.

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international community were not bound by its provisions. Furthermore, it was followed by numerous treaties reaffirming the obligations of the 1928 Pact and giving to them more precision.

Effects of Covenant and Pact

The Pact may, therefore, be regarded as the decisive step in the process which reversed the presumption as to the legality of war. As Dr. Brownlie puts it (pp. 91, 92):

> "The General Treaty for the Renunciation of War at present stands together with the United Nations Charter as one of the two major sources of the norm limiting resort to force by states. It is parallel to and a complement of the Charter. It reinforces the obligations of the latter although in some ways the Charter improves on the Pact by being more explicit in references to 'threat or use of force' and self-defence. . . . Where it has been possible to give effectiveness to the legal order, for example the Charters and Judgments of the International Military Tribunals at Nuremberg and Tokyo, the Pact has had a major role to play. It finds strength in its universality, its immunity from denunciation, and the emphatic probition it contains. The Pact and the League Covenant were responsible for reversing the presumption in favour of the right of war."

This evaluation of the developments following the First World War constitutes the most important and controversial part of Dr. Brownlie's argument. If accepted it places the modern controversy over the relationship between customary international law and the provisions of the United Nations Charter in a wholly different perspective.

There are, however, many writers who would not accept this evaluation. They would point to the defects of the Covenant already discussed and to the fact that the Kellogg-Briand Pact contains no provisions as to sanctions against states which may violate its provisions. Indeed the argument that these treaties, when taken together with the evidence of state practice, show that a norm of illegality had been created in international law may seem surprising when we recall that the major events of this period include aggression by the Axis powers against China, Ethiopia, Austria and other countries, the Munich Agreement, British recognition of the conquest of Ethiopia, and the Spanish Civil War.

Nevertheless, Dr. Brownlie is able to cite abundant evidence that the powers in practice accepted a norm of illegality and to conclude (p. 110) that the Kellogg-Briand Pact and other treaties

> "together with numerous statements in diplomatic correspondence and the instruments relating to non-recognition constitute evidence of a general practice accepted as law".[12]

Furthermore, states which did resort to invasion often attempted to provide a legal justification for their action, whilst the right of states to go to war which played such a prominent part in the classical law of the nineteenth century was never invoked. Thus Dr. Brownlie is able to argue convincingly that the

> "Kellogg-Briand Pact was a legal instrument and the state practice shows a general awareness of the *legal* nature of limitations on use of force. In spite of the Munich Agreement, the recognition of the conquest of Ethiopia, and other flaws in the behaviour of the states there was sufficient consistency in the practice to justify the assertion that a customary rule had developed by 1939 if not before that time."

This rule was strengthened rather than weakened by the events of the Second World War. The anti-fascist alliance, and the terms of the Nuremberg and United Nations Charters, as well as the state practice of the allies in that period, are all based on the assumption of the illegality (and not simply immorality) of the Axis invasions under the law as it existed immediately before the outbreak of war.

The United Nations Charter

If this thesis is accepted it will be seen that the provisions of the U.N. Charter relating to the use of force do not, therefore, create wholly new obligations for the member states but to a large extent merely restate and reinforce the already existing rules of customary law. The significance of this is considered below.

The most important provision of the Charter in the present context is Article 2, para. (4):

> "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

Under Article 2, para. (3) members are obliged to settle their disputes by peaceful means. The provisions of the Charter have since been reaffirmed by a number of regional security arrangements as well as the now famous "Five Principles of Peaceful Coexistence" signed by India and China in 1954. The International Court of Justice in the *Corfu Channel Case*[13] referred

[12] According to Art. 38 (1) (b) of the Statute of the International Court of Justice "international custom as evidence of a general practice accepted as law" is a major source of international law.

[13] *United Kingdom v. Albania,* I.C.J. Reports, 1949, at p. 75.

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in its judgment to "the manifestation of a policy of force . . . such as cannot, whatever the present defects in international organisation, find a place in international law".

There are, however, circumstances in which force is permitted by the Charter. The two principal exceptions are action authorised by an organ of the United Nations (i.e. the General Assembly or the Security Council) and the reservation of the right of individual or collective self-defence under Article 51. It is the latter exception which has been the subject of much argument and is one that has an important bearing on the present topic.

Article 51 and Self Help

If the arguments put forward by Dr. Brownlie and outlined above are sound, the conclusion necessarily follows that when a state (p. 214) "acts in self-defence, i.e. pursues a lawful object of policy, the burden of proving the legality of the resort to force rests on the state asserting the necessity of self-defence".

The terms of Article 51 are as follows:

> "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken shall be immediately reported to the Security Council and shall not in any way affect the Authority and responsibility of the Security Council under the present Charter to take at any time action as it deems necessary in order to maintain or restore international peace and security."

Much argument has arisen over the scope of this Article. The orthodox view of jurists in Western countries generally runs along the following lines.[14] It is assumed that the customary international law remains basically that of the nineteenth century although it is accepted that the League Covenant, the Pact of Paris and the U.N. Charter have made considerable modifications, at least in the case of signatories to those treaties. Nevertheless, the law is still fundamentally that of the nineteenth century. Article 51, therefore, must be read in conjunction with this law. Great emphasis is laid, in support of this view, on the use of the words "*impair* the *inherent* right" of self-defence. Clearly, it is argued, the use of these words can only be understood as confirming an already existing right which can be none other than the right of self-defence as it existed under the classical law. Thus the scope of Article 51 must be determined by reference to the classical law.

When we recall the vague definition of self-defence under that law, as discussed above, the implications of this argument are clear. It will of course be admitted that the categories of "intervention" and "reprisals" are now no longer available but many actions falling under those headings could also be included under self-defence. In particular it is argued on the basis of this approach that Article 51 permits unilateral action where a state is satisfied that it is subject to the threat of an attack ("anticipatory self-defence") and in order to protect its nationals abroad whom it may conceive to be in danger.

The opportunities which such an interpretation provides for the imperialist powers are obvious and were strikingly illustrated at the time of the Franco-British-Israeli invasion of Egypt in 1956. Thus in the debate in the House of Commons on 31st October of that year the British Foreign Secretary (Selwyn Lloyd) stated:[15]

> ". . . I believe . . . that the effect of the Charter is that force may lawfully be used or threatened on the express authority of the United Nations or in self-defence. And self-defence undoubtedly includes a situation where the lives of the state's nationals abroad are in imminent danger. . . . Nor [can it be argued] that Her Majesty's Government should take no action to protect the lives of British subjects abroad unless and until they are expressly authorised by the United Nations to do so. Article 51 of the Charter recognises the right of self-defence and it would be a travesty of the Charter to say that no intervention can take place until our nationals are being attacked and perhaps killed."

On the following day the Lord Privy Seal (R. A. Butler) said:[16]

> "There is no doubt that our action is in accord with what is described as 'customary international law' and that Article 51 of the Charter does not impair that right."

It is of course true that no one seriously supposes that the main purpose of the Suez escapade was the protection of French and British nationals, even assuming that there was any evidence, which there was not, that their lives were in danger. Nevertheless it does illustrate how the present uncertainty over the scope of Article 51 provides aggressors with the opportunity to justify their actions under the pretext of "self-defence".

Dr. Brownlie's assault on the conventional view is two-pronged. In the first place he argues that,

[14] See Brierly, *The Law of Nations*, 6th edn. (ed. Waldock), pp. 416-421, Bowsett *Self-Defence in International Law*.

[15] H. of C. Debs., vol. 558, cols. 1569-70.

[16] Ibid., col. 1732.

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within the context of the Charter in general and Article 2 (4) in particular, Article 51 must be given a restrictive interpretation. In other words it must be taken as a qualification of the overriding prohibition of the use of force and must not therefore be extended further than any situation specifically covered by the Article. Particular significance must therefore be given to the fact that the only situation actually mentioned in the Article is where an armed attack occurs ("Nothing . . . shall impair the inherent right of . . . self-defence *if an armed attack occurs* against a Member . . ."). On this basis therefore it follows that this is the only situation in which a state may resort to self-defence and that on other occasions, where "self-defence" was permitted under the classical law, this justification is no longer available.

Further to this however Dr. Brownlie goes on to point out that even if Article 51 must be regarded as "subject to customary law" this customary law is *not* the classical law of the 19th century but the customary law as it had developed in the period prior to the signing of the Charter: and, as we have seen, a complete change in the law relating to self-help had already been effected in the period 1920-1945.

Related Questions

In this article I have not attempted to give a full summary of all that is in Dr. Brownlie's book. What I have tried to do is to give some account of his most important conclusions which, if they are correct, are of the utmost significance for everyone concerned with the cause of peace for they effectively destroy any basis for those "official spokesmen" who may attempt to cover up the aggressive activities of their governments with the vaguely defined legal formulae of the last century. It must be added however that the book contains much else of legal and political interest. Thus a large section is devoted to an examination of the liability of states for breaches of international law and of the criminal responsibility of individuals, with particular reference to the Nuremberg Tribunal, and there are chapters on such cognate topics as the problem of defining aggression and the principle of non-recognition of the acquisition of territory by unlawful use of force. Not the least merit of the book is that for the first time, in English at least, it brings together (pp. 117-20, 123-6) the state practice on the Principles of Peaceful Coexistence. Although little publicised in this country this is of considerable volume, albeit almost exclusively confined to socialist and non-aligned countries. Indeed a refreshing feature of the book as a whole is the extent to which Dr. Brownlie supports his argument by reference to the practice of these states.

There is one form of intervention, to which a chapter is devoted, which gives rise to considerable difficulties from both a political and legal standpoint. That is where intervention occurs at the request of the "legitimate" government or under rights conferred by treaty. On the face of it this is perfectly lawful. From a political point of view, however, it can be seen that the existence of such a right is liable to undermine a legal régime based on the illegality of force, particularly when modern imperialism tends increasingly to rely on exercising its power through the medium of client governments. Much controversy has arisen over whether it is legal to intervene in a state in which the "legitimate" government is engaged in full-scale civil war. Even assuming the existence of a rule prohibiting intervention, however, its application would inevitably give rise to difficult questions of fact, e.g. the extent of the insurrection and the degree to which it was supported from outside. In a situation of this kind the assessment of the facts by different states would inevitably be governed by political considerations.

It is perhaps disappointing that reasons of space precluded a more extensive discussion of the legality of nuclear weapons, a topical question although one that is strictly incidental to the main theme of the book. However, implicit in Dr. Brownlie's short discussion (pp. 262-4) is the view that the deterrent policy of "massive retaliation" involves a threat to use force on such a scale that in no circumstances could it be justified by the plea of self-defence. Under the "proportionality rule" force used in self-defence must not exceed that necessary to repel the attack. Thus it excludes any right to use force for punitive purposes or retaliation.[17] The policy of the deterrent which is based on the principle of retaliation could therefore hardly be justified as a measure of "self-defence". From this it would seem to follow that the nuclear deterrent policy constitutes a threat to use force contrary to the provisions of Article 2 (4) of the Charter.

The Function of International Law

This book will also raise more general questions about the function of international law. Although falling outside the narrow scope of Dr. Brownlie's

[17] See Brownlie, pp. 262-264; Bowett, *Self-Defence in International Law;* for self-defence in English law, see, e.g., Street, *The Law of Torts,* 3rd edn., pp. 77, 78 ("It is material to consider . . . whether the act . . . went beyond the limits of defence to mere revenge . . . ").

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enquiry, they are none the less directly relevant when the rules relating to the use of force are being discussed. The short question whether, in the absence of a legislature and law enforcement agencies having a compulsory jurisdiction, international law can strictly be treated as law is one that opens a whole new field of investigation. Suffice it to say that the effectiveness of a legal system is not to be confused with its validity as a system of law. A legal obligation is not binding simply because it may be enforced by sanctions [18] but because it is prescribed in accordance with, and as part of, a set of rules which are generally accepted as law. Furthermore it must be appreciated that states universally accept and act on the assumption that there exists a system of law to which they are subject even though they may differ about the scope and application of particular rules. In particular, government leaders are especially anxious not to appear in the eyes of the public as lawbreakers. Even a statesman such as Hitler attempted to provide a legal justification for many of his actions.

International law thus has a significant role to play in the relations between states even in a world dominated by the antagonistic relations between socialist and capitalist countries. Nevertheless until an international disarmament treaty has actually been implemented a legal régime based on the illegality of force must necessarily remain unstable. In this situation law has a positive but not a wholly autonomous function. The decisive contribution to the cause of peace must still come from the mass struggle against the main bulwark of aggression and war, namely imperialism. Indeed, the modern law relating to the maintenance of peace is itself a product of the people's struggle against aggression and inhuman actions, and its enforcement depends in turn upon that struggle. For international lawyers the principal task is to assess the role that law has played, and can play, in minimising the possibilities of war and to give sufficient precision to the rules so that it is clear when the law is actually being broken. Dr. Brownlie must on all accounts be congratulated on having made an outstanding and original contribution to the law on this topic with a book which is thorough, well-documented, easy to read and which contains a wealth of information of historical and political interest.

[18] See Hart, *The Concept of Law*, pp. 211-215.

Discussion Contributions on

What is Television?

Stuart Douglass

HOW much can you blame the writer for the enormous helpings of triviality, sensation and reaction served up daily on our television screens? For although, as Bert Baker says,[1] "there is a growing amount of positive, socially-conscious work" it would not be good to overlook the social and economic roots of the "productions of idiotic films and comics, commodities for the promotion of stupidity, viciousness and crime", to use Ernst Fischer's words. This must be analysed and the diagnosis must take in a study of the dilemma of the television writer in what is the most contemporary of our highly centralised capitalist industries. Television is taking over from the newspaper the reins of public opinion. The writer is frequently the unwitting disseminator of the ideology of capitalism.

[1] *Marxism Today*, January 1964.

Three Categories

Television writers fall loosely into three categories —the contract writer, the series drama or comedy writer and the dramatist. Within these categories there can be varying levels of independence for the writer, according to the discipline of the particular company, drama director, producer or story editor. In the case of documentaries a contract writer may find he has real scope within the limits set by his producer to examine the subject factually and realistically. As a rule his freedom is dependent upon the amount of liberty the producer is prepared to fight for. A lot is dependent upon this type of struggle, waged continuously by men and women of position in every department where the creative spirit is at work. It follows that such liberty is at a premium where fees are low or where the bond of contract is at its tightest. Contract writers and direc-

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tors are liable to find their jobs in jeopardy when they wish to speak out on behalf of decent standards affecting television programmes. At the same time extreme limitations are imposed on all television workers by the refusal of the companies to spend enough money on their productions.

Exceptions occur in all these cases. It would be simple to point to one or two programmes and use these as an argument that the companies allow decency and truth to prevail. These few cases occur mostly *against* the grain set by the programme planners, who, in the realm of the I.T.V., have their eyes focused steadily on the wishes of the commercial advertising contractors.

Over at the B.B.C. several breakthroughs have taken place. TW3 is one of them. Yet these breakthroughs can only be regarded in comparison with the standards set by the other channel. The B.B.C. is nearer to a public service than I.T.V., but that does not mean that it is a public service. It only means that the restrictions imposed by the subservience to advertisers do not exist for the B.B.C. What remains, however, are the limitations imposed by the B.B.C.'s subservience to the interests of the capitalist class as a whole and these are more refined. TW3 came off. But the important thing is that it went on at all. I.T.V. would never have given it a start.

The Pattern

The writer is dependent then on the central control that is rigidly imposed by the agents of monopoly capitalism, be they government appointed or purely out to sell soap. If he is a contract writer he does what he is told or loses his job, as in any other industry.

A series drama or comedy writer must write to a pattern which has already been set. It has been tried in American television and has sold soap so it is slavishly copied here. The pattern can be seen any day of the week in any Western or detective series—a hero who upholds the capitalist property rules and is appointed either by himself (the private eye) or by the county or the state to observe the immutable laws of his country and his God. The villain is a man with a concrete heart. His misdeeds allow for no pity or understanding. His capture or demise is all that is required by the pattern. What happens to him next is nobody's concern.

Lately we have seen subtle changes in this pattern. Usually on children's programmes it retains its old character with many mere mortals mutilated and murdered during the course of one half hour, with never a tear shed for them or their relatives or dependants. But for adult viewing the Freudian situation has crept into the adventure. This is because the educated viewer no longer accepts the old pattern. It insults his intelligence. Not that the television company has any qualms about this. But it does constitute a threat to the "Tam ratings" and thereby to the advertisers contracts. So the adventure series must appear in a new dress. We must now "understand" the criminal, not in relation to the pressure of capitalist society on him but according to the vagaries of his own personal life, divorced from a social and economic context.

Again breakthroughs have occurred in this field. Notably the two that shine at the moment are *The Defenders* and *Espionage*. In these the writers are permitted to examine minutely the roots of situations without paying lip service to the clichés of capitalism.

Fighting the Formula

The series writer is usually bound to formula writing to the complete exclusion of all logic. The make-up of his central characters is usually laid before him like a shopping list. His hero must not laugh or cry or sing or marry or do a hundred and one things which may disturb the image. He must certainly not dabble in politics unless it be to assist in the putting down of a revolution or the upholding of some reactionary tenet. Several exceptions in this field do not alter the general rule. The formula is constantly being adjusted as audience involvement decreases.

The series writer is conscious of the affront to his creative ability. He is continually fighting the formula system. He carries on this struggle at the same time as staking his claim for a higher percentage of the profits that television brings. He asks for more money because he needs it. At £300 to £400 a script he finds that he is forced to accept more work than he can reasonably do justice to. If the work on the screens appears scratchy it is mostly because of the low fees and the shortage of time allotted to him. He would like to spend up to three months writing one hour of a series. Sometimes the state of his bank balance and the security of his home depend on him rushing a job.

If we hear stories about how workers in car factories turn out shoddy vehicles we rebut them by producing facts about the speeding up of conveyor belts. We must remember that the television writer is producing for one monolithic conveyor belt and that his brain is the only source of his product. He must be given conditions under which his brain can function at its peak creative capacity. As long as he has to churn out his work an inferior product will appear on the screen. We must understand that he is bound by the same economic law as any worker. He must work to live. His is the world of imagination. At the moment his talent is being undervalued and exploited in order to preserve a system which has no respect either for his initiative or his intelligence.

The body of writers who are carrying out the most important and significant struggle to improve

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the condition of writers in television are those independent dramatists who provide the television services with dramas and comedies as freelances. It is natural that they should be in the forefront of this battle as they retain a comparative freedom to work in the self-appointed environs of their homes. They are united under the banner of the Screenwriters Guild, where their claim for higher fees is becoming sharply focused.

The Writers' Responsibility

Bert Baker lists several writers who have made an impact on television screen. They are all from this field of independent drama contributors. I would myself have included in this list the work of Clive Exton whose plays have consistently been the subject of interference and outright banning by the television authorities but there is a far longer list of independent minds to be compiled. These writers need help and encouragement from all progressive people.

All of them are in constant conflict with the dictates, budgets, censorship decrees and sundry limitations imposed on them from above. There are many others who refuse to accept the niggardly attitudes and conveyor belt values of the company bosses. Most do not realise it and they are at present not able to rationalise it but their struggle is against capitalism itself. Their natural ally is the Labour movement. Only when Britain achieves a truly Socialist society will their potential contribution to the lives of the community be recognised and rewarded.

Apart from the constant campaign for increased fees and against censorship a practical programme should be drawn up by writers in television to improve their conditions. Writers must oppose all monopolistic groupings and claim a greater say in the planning and administration of television programmes. They must demand that not only their voice but also the true voices of the viewing public be heard in the board rooms of both I.T.V. and the B.B.C. They must work together with all the other unions in the industry for the improvement of conditions of work all round. They must take a stand against the enormous profits that television produces annually and demand that they be ploughed back into the industry. They must strive for the establishment of writers' schools where new writers can study the techniques of television writing.

Many other questions relating to the television product and the writer's responsibility arise here. It would be impossible to answer them all in such a limited space. But whatever has been omitted I hope that this contribution has shown that the television writer is not a willing contributor to the mediocrity that is the hallmark of much of the television experience. In spite of everything he is making a stand—sometimes with great personal sacrifice. Every now and then you will see his bitterness reflected in his work. It will not be long before this bitterness turns to anger, an anger directed against his real enemies—the architects of our capitalist society.

What does Music Express?

E. G. Porter

THE view that music does express something of value should be especially emphasised now that it meets such opposition in certain quarters. The fact that almost every composer has written songs or other vocal works surely indicates their belief that music is allied with verbal expression, and when in the eighteenth century opera became mere music for vocal display it was Gluck who initiated a reform—as he wrote—"to reduce music to its proper function, that of seconding poetry by enforcing the expression of the sentiment and the interest of the situation".

Beethoven had no doubt as to the emotional background of his instrumental music and constantly directed the performers to play with "passion", "powerful feeling", "deep emotion" and so on. Schubert, even though the words of his songs intimated the expression of the music, directed the accompanist to play "seriously", "joyfully", "fervently", "with agitation" or in some other emotional manner. Even music without any such indication is not devoid of feeling, as the average listener to any symphony can testify. So-called light music also has a content and often touches deep and tender chords of sentiment in the unconscious mind of the auditor. As Darwin expressed it in the *Descent of Man*—"The sensations and ideas thus excited in us by music . . . appeal by their vagueness, yet depth, like mental reversions to the emotions and thoughts of a long past age."

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Sound and Emotion

I think this sentence gives a clue to the basis of music. We are the heirs of all our forebears both in body and mind. We react in a similar manner in the same circumstances and we associate certain sounds with emotional states. We have those age-old sounds in shouting with joy, rage, or triumph, and moaning in mental or bodily anguish. Why should the case not be the same with musical sounds? Although now a regulated process, music must once have been very rudimentary and instinctive and there is no reason for supposing that the latter and strongest element in evolution should be lost.

Music consists of intervals, not notes. The notes on the stave are merely points in a graph that mark the undulations of the voice, and it is how this moves up or down by step or by leap that gives expression to the mind of the singer. A single note conveys nothing unless it is sung emotively but two or three notes may be very expressive. Simple examples are the three notes of the rising major third, those of the falling minor third, the falling tone or semitone. These and many others occur with such frequency in all forms of music that I assume them to be the basic elements of our art and have referred to them elsewhere as musical ideographs. They abound in folksong and most composers have used them instinctively because they are felt by all to be truly expressive. Hence it is not unreasonable to suppose that practically all the elements of music were evolved in folk song, which, like language, was gradually developed by the common people for the purpose of communication.

Musical "Ideographs"

As speech became formal in poetry, so did vocalisation become formal in song. Only those melodic phrases that conformed to an innate sense of suitability to the words would be remembered and perpetuated. Folksong had no stability like printed music and was altered by successive generations so that its expressive powers were enhanced and it became more shapely in form, thus providing both a clear means of communication and an aural satisfaction while still retaining the "ideographs".

The composer has absorbed these and similar tunes in infancy and their various phrases have become his musical vocabulary. When he begins to think musically he draws upon this large store of fundamentally expressive phrases for his own purpose, and is therefore easily understood by his audience. If he has an original mind his music will also seem fresh and original for he will be expressing some individual thought. Just as the poets may use simple words with deep significance —such as "My heart aches" and "My heart leaps up"—so many composers by a turn of some simple musical "ideograph" convey many a varied sentiment.

This is not the place to consider the more complicated question of the later development of music but it should be apparent that the whole value of music depends on the use of a communal means of expression. The composer can learn much from other musicians but if he loses touch with the music of the people his work will become stilted, esoteric and finally unintelligible. The great composer expresses the instinctive feelings of the people in their own language so that, in Tolstoy's words, "it seems to the recipient of a truly artistic impression that he knew the thing before, but had been unable to express it".[1]

(Alan Bush will reply to this discussion in the next issue of Marxism Today)

[1] Tolstoy, *What is Art* p. 178 (World's Classics).

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